United States Court of Appeals

for the

District of Columbia Circuit

TRANSCRIPT OF RECORD

No. 22,186

United States Court of Appeals

FOR THE
DISTRICT OF COLUMBIA CIRCUIT

596

INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE AND
AGRICULTURAL IMPLEMENT WORKERS
OF AMERICA (UAW),

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent.

ON PETITION TO REVIEW AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD

United States Court of Appeals
for the District of Columbia Circuit
FILED APR 14 1969
Nathan J. Paulson
CLERK

APPENDIX

VOLUME I

MARCEL MALLET-PREVOST
Assistant General Counsel
National Labor Relations Board
Washington, D. C.

JOSEPH L. RAUH, JR.
JOHN SILARD
ELLIOTT C. LICHTMAN
United Automobile Workers
1001 Connecticut Ave., N.W.
Washington, D. C. 20036

THE CASILLAS PRESS, INC. — 1717 K Street N. W. — Washington, D. C. — 223-1220

INDEX

	Page
Excerpts from Transcript of Proceedings	1
Proceedings	3
Witnesses:	
Robert Reichle	
Direct	27
Cross	38
Recross	61
John S. Hughes	
Direct	62
Cross	70
Michael Zafrano	
Direct	74
Peter Roman	
Direct	121
Cross	175
Redirect	219
Ernest A. Petito, Jr.	
Direct	248
Urbano Carl Giovanniello	
Direct	287
Cross	304
Stanley J. Svandrlik	
Direct	306
Cross	323
Redirect	335
William J. Aylward, Jr.	
Direct	349

	Page
Witnesses: (Cont'd)	
Martin J. Pipia	
Direct	513
Cross	529
Peter K. Bohler	
Direct	558
Joseph Damato	
Direct	629
Cross	648
Redirect	672
Frank Lodato	
Direct	674
Joseph Damato	
By Examiner	711
Direct	712
Frank Lodato	
Cross	713
Redirect	737
Michael A. Billone	
Direct	743
Cross	765
Richard Waltz	
Direct	827
Cross	833
Jonathan J. Rosenblatt	
Direct	869
Cross	897
Stewart Powell	
Direct	916
Cross	923
Redirect	930
Recross	935

Witnesses (Cont'd): Page

Richard S. Thompson, Jr.
Direct 936
Cross 977
Redirect 1027
Recross 1050

Cletus W. Scheperle
Direct 1051

John G. Wolf
Direct 1086
Cross 1105

Angelo Puterior, Jr.
Direct 1112
Cross 1126
Redirect 1132
Recross 1133

Edward Pacilio
Direct 1133
Cross 1140

Robert L. Martinez
Direct 1158
Cross 1180
Redirect 1198
Recross 1201

Frank Vella
Direct 1205
Cross 1213
Redirect 1240

Lucien Marsan
Direct 1245
Cross 1259

Witnesses (Cont'd.) Page

Edward Galvani
Direct 1265
Cross 1274

Carl G. Schmidt
Direct 1280
Cross 1296
Redirect 1303

Walter Kargauer
Direct 1312

William Fluellen
Direct 1345
Cross 1354

Michael J. Petralia
Direct 1359
Cross 1373
Redirect 1382

Edward W. Hurley
Direct 1384
Cross 1392
Redirect 1394
Recross 1395

Frank Lupardo
Direct 1398
Cross 1416

Lewis E. Urban
Direct 1424
Cross 1438

Augustus Bentivegna
Direct 1453
Cross 1460
Redirect 1462

Witnesses (Cont'd.) Page

Wallace E. Wall
Direct. 1462
Cross 1476
Redirect 1488

August Preite
Direct. 1489
Cross 1499

Carmine Dota
Direct. 1504
Cross 1515
Redirect 1527

Dorothy Mae Papadakos
Direct. 1545

Gust Johnson
Direct. 1571
Cross 1580
Redirect 1623

Dorothy May Papadakos
Direct. 1638
Cross 1642

Peter Papadakos
Direct. 1790
Cross 1935

Anthony Caliendo
Direct. 2048
Cross 2215

John Hollwedel
Direct. 2319
Cross 2382

Witnesses (Cont'd.) — Page

Peter Papadakos
Cross 2439

Peter Ackles
Direct. 2524
Cross 2569

James Sullivan
Direct. 2627
Cross 2659

George Mancini
Direct. 2709
Cross 2742

Louis Alfieri
Direct. 2803

Warren Hauck
Direct. 2860

Frank Loganzo
Direct. 2887

Elton Balch
Direct. 2907
Cross 2925

Robert P. Southworth
Direct. 2941
Cross 2956

Vincent G. Reed
Direct. 2972
Cross 2976

William G. Dennis
Direct. 2985
Cross 3005

Witnesses (Cont'd.) Page

James Manico
Direct. 3039

Louis C. Jansky
Direct. 3063
Cross 3067

Groff Ward
Direct. 3074
Cross 3081

Albert Morel
Direct. 3090
Cross 3097

Donald Francis Cook
Direct. 3104
Cross 3122

Albert A. Beltran
Direct. 3137
Cross 3154

Thomas Bousquet
Direct. 3163

Bernard John LeBrun
Direct. 3165

Roland Bacchus
Direct. 3167
Cross 3170

Harry Hoffman
Direct. 3171
Cross 3190

Witnesses (Cont'd.) — Page

Donald G. Samuels
Direct . . . 3203
Cross . . . 3212

Joseph M. Bruno
Direct . . . 3214

Dominick Aversano
Direct . . . 3233
Cross . . . 3235

Edward Rogienski
Direct . . . 3239
Cross . . . 3242

Albert G. Dicks
Direct . . . 3252
Cross . . . 3255

John B. Strickle
Direct . . . 3273

Richard S. Thompson
Direct . . . 3281

Peter Roman
Direct . . . 3289

Arthur Nierenberg
Direct . . . 3315
Voir Dire . . . 3318

VOLUME IV

TABLE OF CONTENTS

Prehearing Conference Stipulation, dated September 11, 1968

Prehearing Order, Filed September 27, 1968

Trial Examiner's Decision, dated January 21, 1966

Excerpts from General Counsel's Statement of Exceptions to the Trial Examiner's Decision

Excerpts from Exceptions and Brief of Charging Party to Trial Examiner's Decision and Rulings

Board's Decision and Order, dated March 12, 1968

General Counsel's Exhibits:

1(c)— First Amended Charge Against Employer

1(e)— Second Amended Charge Against Employer

1(i)— Fourth Amended Charge Against Employer

1(y)— General Counsel's Opposition to Respondent's Petition to Revoke Subpoena Duces Tecum

1(aa)— Order on Petition to Revoke Subpoena Duces Tecum

1(cc)— Order Rescheduling Hearing

2 — Subpena Duces Tecum

3 — Excerpts from Employee Manual of Personnel Policies of Gyrodyne Company of America, Inc.

4 — Authorization to UAW-AFL-CIO signed by Peter Roman

7 — Authorization card signed by Urbano C. Giovanniello

General Counsel's Exhibits (Cont'd):

9	–	Authorization card signed by S. J. Svandrlik
10	–	Subpena Duces Tecum
11	–	Letter of Transmittal from Gyrodyne Company to NLRB and List of All Employees who Terminated During the Period January 1, 1964 through October 31, 1964, dated December 23, 1964
12	–	Authorization card signed by Martin J. Pipia
13	–	Authorization card signed by Joseph Damato
14	–	Authorization card signed by Frank Lodato
15	–	Authorization card signed by Michael A. Billone
16	–	Subpena Duces Tecum
18	–	Inspection Report dated July 2, 1964
20	–	Memorandum from RIC-BuWeps-Q.C. to J. E. Hollwedel dated August 21, 1964
21	–	Authorization card signed by Stewart Powell
22	–	Approximate Contract Value 1960–1965
31	–	Authorization card signed by John G. Wolf
32	–	Authorization card signed by Angelo Puterio, Jr.
33	–	Report to Employees "How the 1964 Sales Dollars Were Distributed"
34	–	Report to Employees "How the 1963 Sales Dollars Were Distributed"
35	–	Authorization card signed by Edward P. Pacilio

General Counsel's Exhibits (Cont'd):

38 – Authorization card signed by Frank D. Vella

40 – Authorization card signed by Lucien Marsan

41 – Authorization card signed by Edward Galvani

44 – Authorization card signed by Carl G. Schmidt

45 – Authorization card signed by Wlater Kargaver

47 – Authorization card signed by William Flueller

48 – Authorization card signed by Michael Petralia

49 – Authorization card signed by Edward W. Hurley

50 – Authorization card signed by Francis J. Lupardo

51A – Flyer from UAW Organizing Committe "Company Promises Or UAW Guaranteed Contract"

51B – Letter from UAW Organizing Committe to "Dear Sir and Brother, dated February 11, 1964

51C – Flyer from Gyrodyne-UAW Organizing Committee "Gyrodyne Seniority System"

51D – Flyer from UAW-Gyrodyne Organizing Committee "Gyrodyne Security Just or Unjust?"

51D-1– Notice from Gyrodyne-UAW Organizing Committee to All Gyrodyne UAW Card Signers, dated April 2, 1964

51-E–51-Z Flyers from UAW-Gyrodyne Organizing Committee

51-AA – Flyer from UAW-Gyrodyne Organizing Committee

52 – Authorization card signed by A. Bentivegna

53 – Authorization card signed by Wallace E. Wall

General Counsel's Exhibits (Cont'd):

54 – Authorization card signed by August J. Preite

Respondent's Exhibits:

2 – Employment record card

14A – Letter from a Gyrodyne Employee

16 – Affidavit of Gust Johnson

20 – Letter from The Secretary of Defense to Mr. Papadakos, dated December 2, 1963

21 – Letter from The White House to Mr. Papadakos, dated December 2, 1963

22 – Letter from The White House to Mr. Papadakos, dated April 26, 1965

23 – Letter from Gyrodyne Company to Fellow Employees, dated May 11, 1965

26 – Communication from Department of the Navy dated March 19, 1964

Subpena Duces Tecum

28 – List of "Tool Name & Number"

30 – Inspection Fixtures Nos. (List)

Charging Party Exhibits:

8 – Petition to Revoke, Case No. 29-CA-57

BEFORE THE NATIONAL LABOR RELATIONS BOARD

29th Region

In the Matter of:	Case No. 29-CA-57 (formerly 2-CA-10108)
GYRODYNE COMPANY OF AMERICA, INC.	
and	
INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, UAW, AFL-CIO	

Conference Room
Pickwick Motel
Plainview, L.I., New York
Monday, May 17, 1965

Pursuant to notice, the above-entitled matter came on for hearing at 9:30 o'clock a.m.

BEFORE:

ARTHUR E. REYMAN, Trial Examiner.

APPEARANCES:

ROBERT W. LEINER, Esq.,	16 Court Street, Brooklyn, N.Y. appearing on behalf of the General Counsel.
BENJAMIN RUBENSTEIN, ESQ.,	c/o United Automobile Workers, AFL-CIO, 393 7th Avenue, New York, N.Y., 10001, appearing on behalf of the Charging Party
FRANK A. LYONS, Esq.,	McMahon & Lyons, 111 Broadway, New York, New York, appearing on behalf of the Respondent.
PETER J. CURLEY, Esq.,	170 Broadway, New York, N.Y.. appearing on behalf of the Respondent.

P R O C E E D I N G S

TRIAL EXAMINER: This is a formal hearing before the National Labor Relations Board in the matter of Gyrodyne Company of America, Inc. and International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW, AFL-CIO, Case No. 29-CA-57, formerly Case No. 2-CA-10108.

The Trial Examiner designated to conduct this hearing is Arthur E. Reyman.

I would like, please, for the parties to state their appearances on the record.

General Counsel?

MR. LEINER: For the General Counsel, Robert W. Leiner.

TRIAL EXAMINER: For the Respondent?

MR. LYONS: Frank A. Lyons, 111 Broadway, New York, New York. Co-counsel, Peter Curley, 170 Broadway.

TRIAL EXAMINER: Charging Party?

MR. RUBENSTEIN: Benjamin Rubenstein, 393 7th Avenue, New York.

TRIAL EXAMINER: Gentlemen, I should like to read the usual opening statement into the record.

The official reporter makes the only official transcript of these proceedings and all citations in briefs and arguments must refer to the official record.

The Board will not certify any transcript other than

TRIAL EXAMINER: Yes.

MR. LEINER: General Counsel calls W.J. Aylward, Jr., Personnel Director of the company, together with the items listed in the subpoena served upon him in this proceeding.

TRIAL EXAMINER: All right.

MR. LEINER: May the record show there is no answer to this call, Mr. Examiner, and that Mr. Aylward is not in the hearing room and I would request permission to go off the record so that I might --

TRIAL EXAMINER: Let me have his name again.

MR. LEINER: W. J. Aylward, Jr., who was served with a subpoena in this matter -- as a matter of fact, served with two subpoenas in this matter --

TRIAL EXAMINER: Did he receive a subpoena ad testificandum?

MR.LEINER: duces tecum, Mr. Examiner.

TRIAL EXAMINER: Did he receive a subpoena ad testificandum?

MR. LEINER: No, sir. But the subpoena duces tecum speaks in terms of his personal appearance.

TRIAL EXAMINER: Well, I don't know what you expect me to do about it.

MR. LEINER: I would like the record to show that he has not appeared and therefore that the General Counsel be free to prove items which the witness would have testified

by secondary evidence and that inferences be drawn against respondent for failing to produce a subpoenaed witness which, after a petition to revoke was fuled on in favor of General Counsel, and a denial of the petition to revoke whichwas drawn and served by the respondent --

TRIAL EXAMINER: This is a corporation, isn't it?

MR. LEINER: The respondent is a corporation.

TRIAL EXAMINER: Was the subpoena duces tecum directed to the respondent as such or to the individual?

MR. LEINER: To the individual, sir. And General Counsel requests that all inferences which can be drawn from his non-appearance --

TRIAL EXAMINER: YOu want to put in secondary evidence?

MR. LEINER: Yes, sir, and that we be free to put in secondary evidence and that any other papers which would contradict, modify or in any other way bear on or change that secondary evidence offered by the respondent would be rejected.

TRIAL EXAMINER: I will have to meet that when I come to it because without anything in the record in the way of testimony, I don't know what is relevant and what is not relevant.

There was a petition to revoke a subpoena duces tecum bearing No. B62271, served upon William J. Aylward, Jr., respondent's director of personnel, and that that petition to

I can't do anything else until I start hearing testimony here and find out what is offered and what the nature of the testimony or the documents or whatever it is may be.

MR. LEINER: Mr. Examiner, in order to clarify any misunderstanding on the record, there was a reference to an April return day. I have another subpoena which is a mere duplicate of that first subpoena served upon Mr. Aylward for his appearance on the 17th day of May, which is today.

MR. LYONS: Who was that served on -- may I ask the Trial Exminer to inquire who that was served on?

TRIAL EXAMINER: Yes.

Counsel for the General Counsel has reference to subpoena duces tecum No. B62323, Member Howard Jenkins, Jr., issued at Brooklyn, New York, on April 22, 1965, and calling for Mr. W. J. Aylward, Jr., Director of Personnel, Gyrodyne Company of America, to produce certain documents described in the rider to that subpoena at 16 Court Street, on the 17th day of May, 1965, 9:30 o'clock.

The registered return receipt attached hereto is postdated New York, April 28, registry number 222931. It shows the name of the sender as being the National Labor Relations Board at 16 Court Street, and receipt was acknowledged by the Gyrodyne Company by John --

MR. LEINER: I believe the name is Masterson.

TRIAL EXAMINER: It appears to be Masterson on April

28, 1965, the actual subscription being 4-28-65.

MR. LEINER: I now offer that subpoena in evidence, Mr. Examiner.

MR. LYONS: I object to it.

MR. LEINER: Together with the rider, sir, in order that it be compared with the rider already in evidence in General Counsel's Exhibit 1, which was included in Mr.Linder's ruling on the petition to revoke to show that the riders are identical and the subpoenas are identical except with regard to the return date.

TRIAL EXAMINER: I will take it in evidence for what it is worth. I don't know what I can do about it.

MR. LYONS: I don't want to labor the point but there has been no personal subpoena served on Mr. Aylward. A subpoena duces tecum is for the production of records and not for personal appearance. If there was a question of Mr. Aylward personally appearing, that must be done by a personal subpoena upon him.

TRIAL EXAMINER: I should think so. This calls for company records.

MR. LEINER: Mr. Examiner, may I suggest that the subpoena does not merely call for company records? It states in haec verba.

MR. LYONS: Could I ask that we have as little Latin as possible in the proceedings?

MR. LEINER: I will do my best to limit my confusion as much as possible.

Thank you, sir.

May we go off the record for a moment, Mr. Examiner?

TRIAL EXAMINER: Yes.

(Discussion off the record.)

TRIAL EXAMINER: On the record.

ROBERT REICHLE

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Mr. Reichle, where do you reside?

A 63 McGaw Avenue, Centerreach.

Q Mr. Reichle, were you ever employed by the Gyrodyne Company of America?

A I was.

Q When were you employed?

A Oh, I believe it was the last week in April to the first week in May of 1964.

Q What was your job there?

A I was a wood laminator in the blade shop.

Q Were you employed in their plant at St. James, Long Island?

A I was.

Q Who was your lead man in the blade shop?

TRIAL EXAMINER: Let me get the date again. That's the last week in April, the first week in May, 19--

THE WITNESS: 1964.

A Leadman was Bob Southworth.

Q Did there -- did this Mr. Southworth give you orders to work?

A Yes, he did.

Q Did he distribute work toyou?

MR. LYONS: Your honor, will you direct --

TRIAL EXAMINER: Try not to lead the witness.

Q Who did you go to in order to get work when you reported each morning?

A We just reported to the shop. The work was already, you know, ready to be glued and done.

Q When anybody gave you more work to do or gave you work to do, who would do that?

A It would be Bob Southworth.

Q Who did you report to, if you wanted to leave the area?

A Southworth.

Q Did you look to him as your boss?

MR. LYONS: I object to that.

A Yes. I --

TRIAL EXAMINER: Mr. Witness, don't answer questions when there is an objection interposed until I say so,please.

TRIAL EXAMINER: The first day he reported to work.

MR. LYONS: Can I have the date fixed?

TRIAL EXAMINER: Can you give us the first day you reported to work?

THE WITNESS: Not the exact day. Possibly about the 24th of April.

TRIAL EXAMINER: What happened on that day?

THE WITNESS: I reported to personnel and they took me from there to the blade shop, and I more or less started right in, in the glue room.

TRIAL EXAMINER: Who told you what to do?

THE WITNESS: Bob Southworth.

TRIAL EXAMINER: All right, go ahead. Tell us what you did that day.

THE WITNESS: Put together the laminates and worked on the cooker and that was it. That was the eight hours.

TRIAL EXAMINER: Following that first day was there any change, any difference?

THE WITNESS: No, it was more or less one routine, day after day.

Q (By Mr. Leiner) Did Mr. Dennis tell you what to do as well?

MR. LYONS: I object to that.

TRIAL EXAMINER: I will let it stand.

A No, I don't think he ever told me to do anything.

He would tell Southworth and we would get it from him.

Q Do you know what Mr. Dennis' title was?

A Foreman.

Q How many other lead men were there in the blade shop, if you know?

A That I don't know. The only one that I did know was Southworth.

Q Now, did you ever have a conversation with Mr. Southworth concerning the union?

A Yes, I did.

Q When was that?

MR. LYONS: Your Honor, I object to any conversations had with Mr. Southworth until it is established as to his duties and his responsibility toward the company, as well as toward the other employes.

TRIAL EXAMINER: I appreciate your difficulty here, Mr. Leiner. The word "lead man" to me can mean many things. It means different things in many shops. Generally speaking, a lead man is a subordinate who is not a supervisor within the meaning of the Act. He simply is delegated the authority or the right to parcel out work and to just keep a general eye out to see that everything is going all right.

You know the definition of supervisor in the Act probably better than I do. There must be some discretion

people --

TRIAL EXAMINER: What I should like to do at the moment is to withdraw the witness and we will go off the record for the sole purpose of discussing a practical approach to this problem which we have and see if we can iron it out and make a little progress.

Mr. Reichle, will you step outside the door for a moment, and we will call your back.

(Witness temporarily excused)

TRIAL EXAMINER: We are going off the record, Mr. Reporter, for the only reason I suggested, nothing else.

(Discussion off the record)

TRIAL EXAMINER: All right, call the witness back.

(Witness resumed the stand)

TRIAL EXAMINER: The last question is whether or not he had a conversation with Mr. Southworth, and then I suppose you better place the time and place.

Q (By Mr. Leiner) Do you recall what time during the day the conversation was?

A Not exactly, but it was approximately 10 o'clock in the morning, I believe.

Q Would you tell the Trial Examiner where the conversation occurred?

A Right in the shop itself.

Q Where in the shop?

A By the table where we made up the blade sections.

Q Was anybody else there when you had this conversation?

A No, it was just the two of us.

Q Will you tell the Trial Examiner what the conversation was with Mr. Southworth at that time?

A Well, the union was handing out literature when I came in that morning, and I asked him how come the company is so emphatic about they don't want the union, they can't have the union.

So he told me that -- he told me that they couldn't -- if the union got in there the company would have to close up because of so much more benefits and money, because it was a very poorly paid job.

MR. LEINER: Thank you. No further questions.

CROSS EXAMINATION

Q (By Mr. Lyons) Did you give a statement to anybody concerning this conversation you had with Mr. Southworth?

A I gave a statement to the Labor Relations.

Q Who from the Labor Relations did you give the statement to?

A I don't recall the gentleman's name.

Q Where did you give him a statement?

A Over the phone.

Q When did he call you up?

A Well, I got a letter in the mail asking me to get in

A No, they weren't.

Q Any of them ever employed at Republic?

MR. LEINER: Objection.

TRIAL EXAMINER: Let's not go outside the scope unless it's necessary.

Q (By Mr. Lyons) This conversation you had with Mr. Southworth, you started that conversation, didn't you?

A Yes, I did.

Q When did this conversation take place in point of time from the time you went to work for Gyrodyne?

A I believe it was a little over a week.

Q Well, from April 24th for at least one week you were employed at Gyrodyne, is that correct?

A Yes.

Q And you were employed in the blade shop?

A Yes.

Q How many employes were in the blade shop?

A Thirty, I'd say.

Q And during that one week that you were employed in the blade shop the only conversation you had with the Gyrodyne lead man was initiated by you, is that correct?

MR. LEINER: Objection.

TRIAL EXAMINER: Overruled.

A It wasn't the only conversation with him. That's the one in point now that is on the statement.

Q I will stand corrected, Mr. Reichle. I am talking about a conversation concerning the union.

A That's the only talk I had with him on that, yes.

Q And this was after you had been speaking to him every day for a week, is that correct?

A Yes.

Q And you are the one that started the conversation?

A Yes, I was.

Q How long did you work with him after that day?

A Until I got fired.

Q About how long was that?

A A matter of four days.

Q During that time did you see Southworth?

A Yes, every day.

Q And did you start any other conversations about the union with him then?

A No, I let it drop. Someone told me that I should have kept my mouth shut.

MR. LYONS: Move to strike it out.

MR. LEINER: It's part of his answer, Mr. Examiner.

TRIAL EXAMINER: Motion granted.

Q (By Mr. Lyons) Now, at the time that you were discharged you were mad at Gyrodyne, weren't you?

A Yes.

Q You are still mad at them?

if anything?

MR. LYONS: I object to any statements. He said this would be confined to the one conversation he had with Southworth. Even that is subject to be stricken. I, therefore, say that my objection is that --

TRIAL EXAMINER: No. Put it this way: Did Jaskowski, or whatever his name was, when he introduced you to Southworth, did Southworth then say anything to you about your duties and what they were to be?

THE WITNESS: As a matter of fact, Bill Dennis left and Bob Southworth interviewed me for the job.

TRIAL EXAMINER: I see.

Q (By Mr. Rubenstein) My question was not answered. I think I asked whether Dennis said anything when he brought you over to Dennis. That would throw light on what Southworth was doing.

TRIAL EXAMINER: All right, you don't have to explain it.

MR. LYONS: I object to the conversation.

TRIAL EXAMINER: Yes, I know. I will let it in.

A Bill Dennis told me that Bob Southworth was the lead man of the glue room, where I would be working.

Q (By Mr. Rubenstein) And during the short time that you worked there, I assume that you finished your job and other jobs were given to you, is that right?

A Yes.

Q Who gave you those jobs to do?

A Bob Southworth.

Q Did Bob any time show you or -- what to do or direct your work?

MR. LYONS: I object to this, your Honor; improper recross.

MR. RUBENSTEIN: I think your Honor ruled that this--

TRIAL EXAMINER: What I said sometime ago was I would like to find out just what instructions were given, what Southworth's instructions, if any, were from time to time.

Now, my understanding of the witness's testimony up to now is simply this, that he was put to work and he did a routine job each day. If there is anything that came up, I suppose, out of the ordinary you would take your instructions from Southworth, is that correct?

THE WITNESS: Yes.

TRIAL EXAMINER: Was there any special instructions given to you at any time during your employment there?

THE WITNESS: Not really. If we finished up before it was time to go, he would tell us what -- something else to do, like clean up.

Q (By Mr. Rubenstein) Did Southworth give you any instructions in connection with your work?

MR. LYONS: I object to any leading and suggestive questions.

to Southworth?

THE WITNESS: I didn't see them that much. Southworth would go back to the -- go to Dennis' office quite a bit.

Q (By Mr. Rubenstein) Did Dennis ever come over to your place of work and, if so, how often?

A He did. It wasn't very often.

Q Did you have prior experience at that job?

A Yes, I did. Not that same exact job, but lamination, yes.

Q Now, I understand that Dennis brought you over to Southworth, is that right?

TRIAL EXAMINER: I am not going into that any longer. You are wasting all this time. You are trying to prove the supervisory status of two men through an employee who were there approximately two weeks. We are simply wasting our time. We are simply wasting our time. Maybe Southworth talked to Dennis and Dennis talked to Southworth. What they talked about, I don't know.

MR. RUBENSTEIN: Well, I am trying to prove a question--

TRIAL EXAMINER: You are not going to be able to prove it through this witness, and we are not going to waste any more time on it through this witness.

MR. RUBENSTEIN: I don't know what to do. It means that--

TRIAL EXAMINER: That means you are foreclosed from asking any more questions along that line from this witness.

MR. RUBENSTEIN: I except to your ruling and I won't continue.

TRIAL EXAMINER: Very well.

MR. LYONS: May I ask one question, Mr. Examiner?

TRIAL EXAMINER: All right.

RECROSS EXAMINATION

Q (By Mr. Lyons) Would you describe Dennis' office to me, please?

A I can't. I was never in it.

MR. LYONS: Nothing further.

TRIAL EXAMINER: You are excused.

(Witness excused)

TRIAL EXAMINER: Ten-minute recess.

(Short recess)

TRIAL EXAMINER: On the record.

MR. LEINER: Mr. Hughes, please.

JOHN S. HUGHES

a witness called by and on behalf of the General Counsel, being duly sworn, was examined and testified as follows:

MR. LEINER: I would like to suggest, I am calling Mr. Hughes completely out of order. I will try to confuse the proceedings as little as possible.

TRIAL EXAMINER: You are not going to keep it up too long, Mr. Leiner.

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your full name for the record, please?

A John S. Hughes.

Q Where do you reside, Mr. Hughes?

A 7 Adams Road, Central Islip, New York.

Q Were you ever employed by the Gyrodyne Company of America, Mr. Hughes?

A I was.

Q When were you first employed,do you recall?

A The exact date I don't know, but it was in September, 1963.

Q Did you thereafter cease being employed by the company?

A Explain that to me.

Q When did you leave the company?

A I left in June of 1964.

Q Do you remember the day in June on which you left?

A Offhand it's confusing, whether it's the 19th or somewhere in through there. I have to check my papers I have home.

Q Do you remember what date of the week it was that you left?

A It was on a Friday.

Q Where did you work at Gyrodyne?

A I worked in the packaging department.

Q Did you always work in the packaging department?

A Up until the -- I was transferred out of the packing department about a week before I left the company to another part, avionics store room or stock room.

Q Who told you to go into the avionics stock room to work there?

A Mr. Caliendo.

Q Who is Mr. Caliendo?

A From what I hear, he was in charge of the man that was in charge of me. I didn't know the structure as far as the chain of command of the place.

Q Was Mr. Caliendo --

A He was supposed to be the big boss in our department.

Q How many people was he the big boss over?

A That I don't know.

MR. LYONS: I object to that characterization if it's going to be carried on by the counsel.

MR. LEINER: I withdraw the remark, Mr. Examiner.

Q (By Mr. Leiner) How many people was he the boss over?

A I don't know.

Q Approximately, if you know?

MR. LYONS: I object. The witness testified he doesn't know.

TRIAL EXAMINER: If he doesn't know, he doesn't know.

Q (By Mr. Leiner) Can you give us an approximate number of over how many people Mr. Caliendo was boss?

MR. LYONS: I object. No proper foundation has been laid.

TRIAL EXAMINER: Which department are you talking about now?

MR. LEINER: Pakaging department.

TRIAL EXAMINER: How many people are in the packaging department, can you tell us, approximately?

THE WITNESS: At the present time, when I left or when I first went to work there?

TRIAL EXAMINER: While you were working there.

Q (By Mr. Leiner) When you first got there, how many people were working there?

A When I first went to work there, there was approximately 14. There was two shifts, a night shift and a day shift.

A It occurred while I was still employed by Gyrodyne.

Q (By Mr. Leiner) When did it occur?

A When -- I left the company in June. So it must have happened the early part of June.

Q Is this 1964?

A 1964.

Q You had a conversation with Mr. Caliendo?

A Yes.

Q Where did this conversation occur?

A In Mr. Caliendo's office. It came about when Mr. Dominick Galusha --

Q Would you just tell the Trial Examiner what the conversation was between Mr. Caliendo and yourself at that time?

A I told him I never backed up to a paymaster in my life. There wasn't enough work in the store room for me to do.

He told me, he said, "Well, there is no other pl ace we can place you." Then he asked me if I would like to work for Allied Maintenance. I said I would give it a go. And they said -- I say, excuse me -- and he said, "If I can get you in with them, would you take a job with them?"

I said, "Yes."

Q Did you take a job with Allied Maintenance?

A Yes.

Q How long after you left Gyrodyne did you take the job with Allied Maintenance?

A I came back to Gyrodyne the following week. I believe it was on a Tuesday or a Wednesday, to work with Allied Maintenance.

Q In other words, you were working at Gyrodyne for Allied Maintenance?

A Yes, I was.

Q Where were you working for Allied Maintenance at Gyrodyne?

A They assigned me to shipping and receiving.

Q Did you do any packaging work there?

A Yes, I did. I packed recasts to be returned to the vendor. I also packed a few units while the vacation period was going on.

MR. LYONS: Your Honor, may I object to this? This is irrelevant, immaterial, and incompetent to any charges that have been made here. I don't see where we are going. I have never heard Allied Maintenance mentioned concerning any charge here.

TRIAL EXAMINER: He is asking preliminary questions. I will take them subject to a motion to strike.

Q (By Mr. Leiner) Mr. Hughes, prior to the time that you left the Gyrodyne Company did you do packaging?

A I did pack when I went back to Gyrodyne's to work for Allied Maintenance.

Q Before you left Gyrodyne, did you do packing for Gyrodyne

A Yes, I was a packer.

Q Did you tell the Trial Examiner how long after you left Gyrodyne as an employee of Gyrodyne Company did you return there as an employee of Allied Maintenance?

A I left Gyrodyne on a Friday and returned to Gyrodyne as an Allied Maintenance worker, I believe, on the following Tuesday or Wednesday. The dates I'm not sure of.

Q About how many days after that would you say?

A About four or five days.

MR. LEINER: I have no further questions, Mr. Examiner.

TRIAL EXAMINER: Mr. Rubenstein?

MR. RUBENSTEIN: No questions at this time.

CROSS EXAMINATION

Q (By Mr. Lyons) To sum it up from your responses, Mr. Hughes, am I right that you had two conversations with Mr. Caliendo, both of which were along the line of trying to keep your employed at the plant of Gyrodyne; is that correct?

A Yes, sir.

Q Did you give a statement to any representative of the union or of the National Labor Relations Board before today?

A He has a statement of mine.

MR. LYONS: May I have that statement produced, please?

MR. LEINER: May the record show, Mr. Examiner, I am handing to Mr. Lyons a prior statement of John S. Hughes.

AFTERNOON SESSION (1.30 p.m.)

TRIAL EXAMINER: On the record.

MICHAEL ZAFRANO

a witness called by and on behalf of the General Counsel, being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your full name, please?

A Michael Zafrano.

Q Mr. Zafrano, where do you reside?

A 723 Doane Avenue, Bellport.

Q Is that in Long Island?

A Yes, sir.

Q Mr. Zafrano, when were you first employed by the Gyrodyne Company?

A I was employed by Gyrodyne Company in February 1962.

Q What was your job at that time?

A At the time I was hired I was employed as the company representative, inventory control supervisor.

Q Did you work at that job in fact?

A Yes, sir, at the plant I was working on it as sort of a training program before I was supposed to go to the field, which was in Norfolk, Virginia, I was supposed to go.

Q Did you go into the field?

A No, sir, I didn't.

Q What did you do?

A Well, the reason I didn't go to the field is they hired people locally and they had this here--

MR. LYONS: I object to this, your Honor, as not responsive.

TRIAL EXAMINER: We will get to that.

Go ahead.

A They had the records section opened and I was asked if I wanted to take the records section over and to have complete control of it, and I agreed to it.

Q What was your pay at that time?

A My pay at that time, weekly salary was $119 per week. That's $119 per week.

Q What was your starting time and when was your quitting time?

A At that time the starting hour I think was -- I believe was 8.18 or 8.15 in the morning, to 5.18. We had a little odd hours at that time, sir.

Q Who was your supervisor when you were first employed, who was the supervisor over you?

A When I was first employed it was Mr. Ken Nelson.

Q Was he your supervisor--how long was he your supervisor?

A Approximately four months, sir.

Q Who became your supervisor then?

A Ken Nelson was discharged or resigned, I don't know, and there was a Mr. Harry Hoffman was my supervisor then.

Q In fact, did the employes over whom he exercised authority, did they wear suits and ties?

MR. LYONS: I object to the question. No proper foundation.

TRIAL EXAMINER: Overruled.

How did they dress?

THE WITNESS: Well, at times some of the employes would have shirt and tie on. And there was many occasions I would be dressed the same as you gentlemen would be dressed. And on warm days I would come in with a sport shirt like I am now, so I could be a little more comfortable.

There was quite a few employes in the office that would wear shirt and tie, suits, sport suits, jackets.

Q (By Mr. Leiner) Will you tell the Trial Examiner, Mr. Zafrano, whether you recall that there was an election held at the Gyrodyne plant conducted by the National Labor Relations Board soon after you were employed?

A Yes, sir. In June. June of 1962, if I recall the exact date. I recall the exact date for several reasons. June 14th is Flag Day, and my brother's birthday. We observe birthdays pretty close in our family. We had an election on June 14, 1962.

Q Did you have a conversation with Mr. Hoffman at or about the time of that election?

MR. LYONS: I object to the question, your Honor;

I don't think that I want to hear of any conversations between the supervisors and employes in 1962.

MR. LEINER: There will be terms used in those conversations at or about this time which will make present understanding of the unfair labor practices in June of '64 unintelligible unless we get those terms used and explained.

TRIAL EXAMINER: Go ahead. We will see where we go.

MR. LEINER: Thank you, Mr. Examiner.

May I proceed?

TRIAL EXAMINER: Yes.

Q (By Mr. Leiner) You had this conversation with Harry Hoffman. When was this?

A Oh, approximately two or three days before the election of June '62.

Q Where was this?

A In the Government stores location.

Q Who else was there?

MR. LYONS: I object to that.

TRIAL EXAMINER: Mr. Zafrano, will you step outside the door for a minute? We will recall you.

(Witness temporarily excused)

TRIAL EXAMINER: I will take an offer of proof, Mr. Leiner.

MR. LEINER: If this witness were allowed to testify, Mr. Examiner, he would testify that a few days before the

election Harry Hoffman called each of the employes together in a group into the warehouse and gave them a 10-cent an hour raise each and told them to remember the raise when they voted in the election.

That after giving them the raises, Hoffman told each of them that the company had been good to them and that they should particularly note this in the election.

Hoffman told Zafrano that he could not vote because the president of the company had personally challenged his right to vote as an inventory control supervisor.

Then at the election itself he will testify that the president of the company, Mr. Papadakos, and this is the area that I said needed explanation, addressed all the employes in Building 7, and that there was a white line drawn down the middle of the floor, and then back along to one side in a rectangle and that that white line had not been there before and that Mr. Papadakos said there were approximately 166 chairs within that rectangle and that the 166 employes within that rectangle were those entitled to vote, and it was those employes, that mere 166, which he was telling the rest of the employes of the company how they should progress and where the company should go, and alongside of them outside the white line of the rectangle there were supervisors and officers of the company who were not entitled to vote, and that

Mr. Papadakos, the president, and then the chairman of the board, and now the chairman of the board and then, as now, the chief executive officers of the company, said that those 166 people were trying to tell the rest of the employes what to do; that his door was always open to the employes; that if the union got in the door would be closed to all of his employes and that they could not come to him any more, that they should go to the union for their complaints.

That Mr. Bell of Bell Aircraft when faced with a bad union situation had hired a union official to deal with the employes and with the union, and then he told all the employes of the company at that time that Republic Aviation had a union and that the employes had problems and were out of work.

While at Grumman Aircraft in Long Island there is no union and the employes got a Christmas bonus and periodic raises; that Mr. Papadakos told the assembled entire work force--

TRIAL EXAMINER: Now, just a minute. Are we still in 1962?

MR. LEINER: We are, sir.

TRIAL EXAMINER: I am not going to take all that. Go ahead and complete your offer.

MR. LEINER: Thank you, sir.

That he said to the assembled work force, "I am tired of hearing about people trying to organize into a union. I got together with our lawyer and told him to do what has to be done and let the chips fall where they may."

He also said that there were two union organizers, a Mr. A and a Mr. B, and they both were going among the employes talking about the union.

He said they were very good employes and had been given pay raises after the probationary period, but that they had then thereafter started to talk up the union.

May I continue, sir?

TRIAL EXAMINER: You haven't said a word about anything to make me think I ought to take testimony about that. The charge in this proceeding, according to your complaint, was served upon the respondent on or about June 30, 1964.

What I am interested in is the unfair labor practices that occurred at, or six months previous to that time, or after that time.

MR. LEINER: I think the--

TRIAL EXAMINER: I will take a certain amount of background, but I am not going to take testimony of unfair labor practices that you allege occurred back in 1962.

MR. LEINER: This is the chairman of the board speaking.

TRIAL EXAMINER: I don't care who he was at that time. I don't care who said it. I am not going to take testimony of independent unfair labor practices which occurred in June 1962.

MR. LEINER: I am only showing it for background of animus, Mr. Examiner. I am not asking you to make findings on it. I will just finish up this thing and I will get to more recent events.

TRIAL EXAMINER: All right.

MR. LEINER: That approximately -- to continue --

TRIAL EXAMINER: We have enough on the record to establish your point.

MR. LEINER: I am getting into another employee who was discharged in the complained, allegedly unlawfully.

Approximately six or seven months after Zafrano was hired, an employee was hired by the name of Stanley Svandrlik, and that after a time Hoffman told Zafrano to stay away from Stanley Svandrlik, that he should not work with him because he was a bad influence on him, and that in fact Zafrano would testify to the contrary, that Svandrlik was an excellent employee and they worked well together at all times;

And that Hoffman in fact told him that Svandrlik would get him into trouble.

TRIAL EXAMINER: Are you still in 1962?

MR. LEINER: No, we are in late '62 now, after June.

TRIAL EXAMINER: You are still in 1962. Zafrano said he was hired in February--

MR. LEINER: As a matter of fact, the conversations, if given, would be sometime in -- probably in '63 or '64, Mr. Examiner. This particular segment with regard to Svandrlik.

TRIAL EXAMINER: I want to know when it was. You said approximately six months after Zafrano was hired.

MR. LEINER: I don't have the period over which Hoffman warned and when they first commenced--

TRIAL EXAMINER: Six months after February, 1962, I am not interested in that.

MR. LEINER: It might have started then, but I doubt it. I just don't know. I retract that. It might have started a good deal later.

TRIAL EXAMINER: Don't you know? This is an offer of proof.

MR. LEINER: I will say that the conversations started six months after Svandrlik was hired.

TRIAL EXAMINER: When was he hired?

MR. LEINER: I believe it shows he was hired in October, '62.

And then, to finish up, that Hoffman told Svandrlik--

told Zafrano that Svandrlik would get him into trouble, that he was bad for him and that in particular Svandrlik was mixed up with various activities that could hurt Zafrano. And that Hoffman would have to separate them.

In 1963 Hoffman, on several occasions, asked Zafrano what he thought of union activities, and if he knew of any employes who had joined the union, who were swaying toward the union.

The union activities herein, the union organization by the charging party started in January 1963.

In February or March -- well, then we are in '64 within the 10(b) period, so that the conversations that I would prove with regard to Hoffman inquiring as to union activities among the Gyrodyne employes commenced after January '63, and it was after January '63 that the charging party commenced circulating union literature and requesting members.

MR. RUBENSTEIN: May I add, Mr. Examiner, one thing?

TRIAL EXAMINER: This is General Counsel's offer of proof I am concerned with at the moment.

MR. RUBENSTEIN: I would like to join in it and add one point. I think the witness was questioned about A and B. This designation of A and B was subsequently applied to union people during their discharge in 1964.

It is, therefore, very important to show the designation.

The Board has held many times that the trial examiner is justified and should take testimony, receive evidence of background events which may have occurred prior to the six months limitation period.

I realize that. It appears I remarked a moment ago that the first charge in this case against the respondent was filed, I believe I said --

MR. LEINER: June 30th.

TRIAL EXAMINER: --June 30, 1964, which would make the cut-off date, I suppose, December 31, 1963, insofar as any unfair labor practice charge is concerned.

So now the question confronting me is, how far back of December 31, 1963, am I going to go to take background, and you are asking me to go back prior to June 14, 1962.

MR. LEINER: Yes, sir.

TRIAL EXAMINER: I don't think I shall.

MR. LEINER: How far would you come forward, Mr. Examiner?

TRIAL EXAMINER: It depends on the nature of your background evidence. I am certainly not going back that far. You can offer anything you want to in the way of testimony showing the existence of animus, and anti-union acts on the part of the respondent here, hostility toward the union in background somewhere around December 31, 1963, but certainly I am not going back two years before that

two years before that in detail. I don't see for the life of me how I would be justified in taking testimony as to every conversation between Zafrano and Hoffman and between Hoffman and Zafrano and between Zafrano and -- whatever the third man's name is, back during that period of time.

MR. LEINER: Mr. Examiner, the pay raises are not conversations.

TRIAL EXAMINER: They are unfair labor practices. You know it and I know it. If true.

MR. LEINER: What would Mr. A and Mr. B mean to you, Mr. Examiner, when you make these findings?

TRIAL EXAMINER: I don't know. I suggest you recall your witness and question him if you want to about conversations subsequent to the cut-off date under the proviso of the Act.

Then, if it needs explanation, ask him about it and I can rule intelligently then.

As far as jamming this record up with testimony concerning unfair labor practices as such which took place prior to June 14, 1962, the date of the election, I will refuse your offer.

MR. LEINER: I certainly except to that ruling. However, conversations with regard to Svandrlik do not commence until October, '62, and then -- if I may continue--

has been laid concerning.

TRIAL EXAMINER: Now that I understand your purpose in questioning Mr. Zafrano, I certainly think, and I will sustain the objection of the respondent.

Q (By Mr. Leiner) Mr. Zafrano, did you attend any lead men's meetings at which Mr. Papadakos spoke?

A Yes.

Q Would you tell us when that was, approximately?

A This was approximately May of 1964.

Q Approximately how many lead men were there?

A There were approximately 53 lead men.

Q Would you tell the Trial Examiner what Mr. Papadakos-- withdrawn.

Who else was there beside lead men, if anybody?

A I looked around. It seemed to me most of them were newly-appointed lead men. There might have been one or two foremen there from different departments, but I didn't know exactly who they were. I assumed they were mostly newly-appointed lead men.

Q Would you tell the Trial Examiner what Mr. Papadakos told that meeting of lead men?

A "We have just appointed you people lead men in your particular department"--

MR. LYONS: Your Honor, I object at this time to any general statement made by the president of the company

to the lead men. There is no reference to this charge and it is irrelevant and immaterial to this hearing.

TRIAL EXAMINER: Well, this is the background I assume that I told General Counsel he could cover.

I will take it over your objection, Mr. Lyons.

Go ahead, will you please, Mr. Witness, and tell us what Mr. Papadakos said?

A "Approximately you 53 lead men have been just appointed as lead men with the possibility of becoming supervisors. We have declared that we will give all you 53 lead men a week's bonus, which is a sort of incentive pay, and eventually we will get all you people going to a supervisory school which will be conducted by personnel a half hour a week, an hour a week. Things are going along not too good and we look for eventually to have some lay-offs" and exactly when this takes place, it wasn't exactly said.

That is as brief as possible, sir.

Q Do you recall whether he said anything about going among the employes for any reason?

MR. LYONS: I object to this, your Honor. We are getting to a very crucial point and this witness just testified as to what that speech was about, and I object very strongly to any placing of words in his mouth by the counsel.

TRIAL EXAMINER: Really, Mr. Leiner, I just wish you

would not ask leading questions on important points.

MR. LEINER: Mr. Examiner, this is not leading. I didn't say what he was going among them for. It is not leading.

TRIAL EXAMINER: It certainly is suggestive.

You may answer the question.

THE WITNESS: Mr. Examiner, may I ask you a question, sir?

TRIAL EXAMINER: You may.

THE WITNESS: I don't know if it's proper formality or not. I have a statement written and I think everything is in that statement and I think -- I have the feeling that -- I am not confused, sir, I won't even use the word "confused."

Q (By Mr. Leiner) If I showed you the statement, would it refresh your recollection?

A I have it in my own words, sir, the facts that I want to -- but I am constantly being interrupted, I feel that--

TRIAL EXAMINER: Of course, a witness is in a difficult situation at all times. The general rule of evidence is, Mr. Zafrano, when you are asked a question such as this to relate according to your best recollection what was said and what was done, and when you have done that and it appears that you have exhausted your recollection

then you are entitled to have your recollection refreshed by any statements you have made.

And that's the duty of counsel,and I think probably if you will be patient, it will be brought out.

Q (By Mr. Leiner) With regard to the events at that lead men's meeting, do you think your recollection of it and the events therein could be refreshed?

MR. LYONS: Your Honor, I object to this form of question.

TRIAL EXAMINER: I assume that counsel for the General Counsel was listening to me when I was trying to reassure the witness, and apparently he didn't.

Mr. Zafrano, will you think hard now and please tell us anything else that the speaker, Mr. Papadakos, may have said at this particular meeting? Just search your memory as best you can and see if you can recall anything else that was said.

THE WITNESS: Yes. He continued on this meeting with the particular lead man that I happened to be in on, that we should sort of go among our workers, if they have any problems, what the problems are, try to help them out as much with their problems, and things of that nature. And that was part of his speech there.

Q (By Mr. Leiner) Mr. Zafrano, did you attend any speeches by Mr. Papadakos thereafter?

A Yes, sir.
Q When was that?
A It was approximately a month after that, three to four weeks after that meeting we had with the lead men. It was a companywide meeting, at Building 7 of the main plant.
Q Do you remember what day of the week that was?
A I don't remember if it was Thursday -- we had two meetings. The first was approximately Thursday, the plantwide meeting.
Q Was there another meeting at which Mr. Papadakos spoke?
A The following day we had another meeting, but it wasn't plantwide. It was strictly the production workers, engineers, so on and so forth. We were not in on that meeting.
Q Do you remember what date in June that would be, the first meeting on Thursday?
A No, I don't remember the exact date. I don't remember the exact date. I don't, sir.
Q Do you recall what Mr. Papadakos told the employes at each of those meetings?
A Well, at the first meeting on the Thursday, it was completely a background of Mr. Papadakos himself, how he started out quite a few years back, the lean years, the healthy years. What may take place in the future and

so on, so forth.

Q When did the meeting start?

At what time of day?

A It was in the afternoon, sir. Either 3.30 or 4 o'clock, I believe it was.

Q When did it end?

A No, sir, it wasn't three because you had a 4 o'clock shift. It was about 3 o'clock, sir. About 3 o'clock in the afternoon, and it was supposed to have ended at four, but when the 4 o'c lock shift came, he asked if the people wanted to stay who goes home at four can stay and will be paid for it. If not, they would break the meeting up, and there was a hand vote that they wanted to leave at 4 o'clock and five after four everyone was dismissed.

Q And did that speech resume the next day?

A The next day approximately the same time, at 3 o'clock another meeting of all production workers were called to Building 7.

Q How many employes is it your recollection attended the first meeting on Thursday?

A Oh, it's hard to say, sir. I don't know exactly how many-- the company plant, I don't know approximately how many employes Gyrodyne employed.

Q Could you say how many were there the second day?

A It's pretty hard to say. I don't want to commit

myself and say there was three hundred or four hundred or five hundred.

Q You just don't know?

A I just don't know, sir.

Q What did Mr. Papadakos say the second time?

A The second meeting he had, he was talking about the lead men, he made so many lead men in the company; a week's incentive pay, bonus, whatever you want to call it. Probably in the future there might be bonuses given out to the rest of the personnel, production workers.

He says,"Like I said yesterday, we have had some lean years and we may have somemore, and we may have to consolidate and tighten our belts and we will probably start having some lay-offs." In that general line.

Q I see. Did he mention anything about the company's hospitalization program?

A Yes, sir. We had hospitalization program which we were paying, married personnel were paying $1 a week and bachelors 50 cents, and he said effective immediately--it wasn't effective immediately because we continued about two or three weeks after that -- in approximately three weeks, he says, we are going to discontinue that dollar per family hospitalization; that the company is going to bear all the expenses. And that will be a dollar more in our pay check every week.

Q How far away from the packaging department did you work?

A Well, there was no particular distance. We had a room there and there was a sort of imaginary line with my storage platforms there, these pallets, and I just look over my pallets and there would be the packaging section, like this room, where I would at at one desk and the gentlemen would be across the way from me.

Q Did packaging by the company occur on Saturdays?

A Oh, yes, many times. Yes, sir.

Q Did the regular packaging employes do the packaging on Saturdays?

A Sometimes.

MR. LYONS: May I have the time fixed?

TRIAL EXAMINER: Yes. When?

Q (By Mr. Leiner) In or about the month, February through June, 1964?

A Sometimes they would and sometimes they wouldn't, sir.

Q On the Saturdays that the regular packaging employes did not do the packaging, who did the packaging?

A They were called in from production. Mr. Caliendo's section, the supervisor. He was in charge of that section, and these individuals would be called in to do packaging on Saturdays.

Q Could you --

MR. LYONS: Your Honor, I object to this. I can't see the relevancy of it in view of the charge made in the complaint. I don't even remotely see it.

TRIAL EXAMINER: Well, let's go ahead for a moment and see where we go.

MR. LYONS: I will try to be a little patient.

TRIAL EXAMINER: I don't know where we are going either at this point, Mr. Lyons.

Q (By Mr. Leiner) Who did the packaging, would you name the persons who did the packaging on Saturdays?

A Yes, sir. There were certain gentlemen that did packaging, had no idea what packaging was about according to military specifications. Dominick Galusha, Dominick Avisano and there was one fellow, Ronnie Schwartz.

Q These were not regular packaging department employes?

A No, sir, they were not regular. Then we had some expediters. Donald Coleman came in a few times on Saturdays. That name sort of comes to me. And I would be there sometimes on a Saturday and I would sort of have to lead them on to show them exactly how to pack, what not to pack.

Q Was there packaging conducted at night by persons who were not regular packaging employes in the period February through June, 1964?

A Yes, sir. Quite often. Quite often.

Q I ask you this: Did this practice that you observed, packaging by non-regular packaging employes, occur after June, 1964?

A It was going all along, sir; before and after.

Q When is pay day -- when was pay day when you were with the company?

A Thursday, sir.

Q For all employes, as far as you know?

A As far as I know, unless it was otherwise; I don't know.

Q What period of the week did that Thursday payment cover?

A It covered the previous week, sir.

MR. LEINER: I have no further questions.

MR. LYONS: Before I start the cross-examination, I move to strike --

MR. LEINER: You are out of order.

MR. LYONS: Sorry.

Q (By Mr. Rubenstein) Mr. Zafrano, are you presently working for Gyrodyne?

A No, sir.

Q When did you leave the Gyrodyne employ?

A I was terminated January 8, 1965, sir.

Q What was your position when you were terminated?

A Well, I was classified as warehouse lead man, stock control. Sorry -- warehouse lead man inventory control.

37

this Mr. A and Mr. B, during noon hour on their own time, they would go out to different departments and they would wear a union organizer's button, sir, and they would have literature --

MR. LYONS:: May I have the time fixed?

TRIAL EXAMINER: You may move to strike and your motion will be granted.

MR. LYONS: So move.

TRIAL EXAMINER: Motion granted.

MR. RUBENSTEIN: As to the entire answer?

TRIAL EXAMINER: As I understand it, and I will let this part stand, back in 1962, there was a meeting and Mr. Papadakos referred to two men who were engaged inunion organizing as Mr. A. and Mr. B.

Anything else will be stricken.

MR. LEINER: Mr. Examiner, may I be heard for a moment?

TRIAL EXAMINER: Yes.

MR. LEINER: I would respectfully request at this time for the Examiner to reconsider his ruling with regard to Mr. Zafrano's testimony with regard to the meaning of Mr.A. and Mr. B, from whence it stems, and the entire context in which Mr. A and Mr. B was mentioned by Mr.Papadakos.

MR. RUBENSTEIN: I join in the motion, Mr. Examiner.

TRIAL EXAMINER: Well, there is nothing for me to do other than to repeat what I said. I'm not going back to 1962

Q When did you become lead man?

A In March, sir, of '64, sir.

Q Were you told -- what were you told when you became lead man as to your duties?

MR. LYONS: I object.

TRIAL EXAMINER: Oh, I will let it stand.

Who instructed you first as to what your duties would be as a lead man?

THE WITNESS: Well, there was no particular duties instructed. There was Mr. Hoffman. Mr. Hoffman was the one that told me in approximately March of '64 when he called me into his office and he told me I got a pay raise and also a promotion. And he says, "You know what your duties will be. You have been doing it right along. This is sort of an incentive for you and you want to call it a promotion. From now on you have full responsibility of the warehouse, of all shipping and receiving pertaining to Government stores, and all packaging pertaining to Government stores. As things go on we will try to hire additional personnel so you will have yourself a little department by yourself,"completely under my supervision.

And I thanked him for it.

MR. RUBENSTEIN: Mr. Trial Examiner, there is an important call for me outside. May I take it?

which was furnished to me by Mr. Leiner, Mr. Rubenstein.

(Short pause.)

MR. LEINER: I will call Mr. Peter Roman.

PETER ROMAN

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Mr. Roman --

MR. LYONS: May I call the court's attention to the presence in the room of the last witness who, it has been stated, will be called.

I ask the court to excuse the witness.

MR. LEINER: I'm sorry.

MR. LYONS: Thank you.

Q (By Mr. Leiner) What is your name?

A Peter Roman.

Q Where do you reside?

A 24 Karen Drive, Sayville,New York.

Q Mr.Roman, when were you first employed by the Gyrodyne Company?

A October 30, 1962.

Q When did you cease being employed by the company?

A June 19, 1964.

Q During the period that you worked for them, were you ever

14

given any pay raises?

A I had two pay raises.

Q How much were they and when were they given,do you recall?

A January 1963, I received a 20 cent an hour pay increase. And January 1964, I got 25 cent an hour increase.

Q What was your job when you were first employed in 1962, Mr. Roman?

A I was a driver.

Q What does a driver do?

A A driver-expditer. We pick up parts at various vendors for material for helicopter manufacture.

Q Where does this job take you?

A Metropolitan New York.

Q Do you ever go out of Metropolitan New York?

A Yes.

Q Where do you go?

A Connecticut. Wallingford, Connecticut and several places in New Jersey.

Q What type of vehicle do you drive?

A Station Wagons and sometimes truck.

Q So far as you know, were the increases that you received automatic or were they given to you for some particular work?

A I assume they were merit increases.

Q Did you ever have a conversation with the person who gave you the raise with regard to why you got the raise?

A Yes, I did.

Q Who was that?

A My supervisor, Louis Alfieri.

Q What did he say to you and what did you say to him?

A He told me I was doing a good job and I was going to get an increase of 25 cents an hour.

Q Did you get the increase?

A Yes.

Q Mr. Alfieri you described as your supervisor.

What did he do with respect to your job?

A He was responsible for sending us to these various stops for pick-up of equipment. He assigned us to the work.

Q How many employees did he assign work to?

A Roughly about 15.

Q About 15.

How many driver-expediters were there?

A Five.

Q Would you name them as of the time that you were terminated by the company on June 19, 1964?

A Robert McMillan, John Masterson, myself. Edward Galvani and Dale Spicer.

Q How many of these five expediter-drivers were terminated

A Three.

16

Q Who was terminated?

A Myself, Galvani and Dale Spicer.

Q At the time you were terminated, were Masterson and McMillan still employed?

A Yes.

Q Was your work or conduct ever criticized by the employer during your term of employment?

A No, rather I got commendations about my work was good.

Q Who gave you these commendations?

A Louis Alfieri and Anthony Caliendo.

Q What was your rate of pay?

A When I left, it was $90 a week.

Q Ywu testified that Mr. Alfieri told you where to go with the pick-ups?

A Yes, sir.

Q You also testified that he told you that he had gotten you a raise?

A Correct.

TRIAL EXAMINER: When was that?

THE WITNESS: January, 1964 and January, 1963.

Q Did Mr. Alfieri have an office?

A Yes.

Q Did Mr. Alfieri ever tell you to obey anyone else's orders in his absence?

MR. LYONS: I object to the leading and suggestive

19

MR. LYONS: He works in thepersonnel department.

TRIAL EXAMINER: Who did you understand Mr.Robinnette was for this company?

THE WITNESS: I know that Mr.Robinnette was in personnel department.

TRIAL EXAMINER: Do you know that any announcement was ever made that this employee manual of personnel policies, which we call General Counsel's Exhibit 3, was everwithdrawn or revoked by the company?

THE WITNESS: No, sir.

TRIAL EXAMINER: All right, proceed.

Is there any particular purpose in offering this?

MR. LEINER: Yes, sir. I want it in evidence because it will be the subject of the most important questioning and testimony with regard to -- I thought I would get it in now.

Would you mark this for identification as General Counsel's Exhibit 4?

(Thereupon the document above referred to was marked General Counsel's Exhibit No. 4 for identification.)

Q I show you General Counsel's Exhibit 4 for identification, Mr. Roman, and I ask you to tell the Trial Examiner what it is.

A This is a card that I signed with the UAW, AFL-CIO, giving them permission to represent me. It is an application

for membership in their union.

MR. LYONS:: I object to it, your Honor.

MR. LEINER: I haven't offered it yet.

I will offer it now, as a matter of fact.

MR. LYONS: I object at this time.

TRIAL EXAMINER: I don't know the grounds of your objection.

MR. LYONS: Do you want me to state them now?

TRIAL EXAMINER: It is not a membership card. It purports to be an application for membership.

Have you seen it?

MR. LYONS: Yes, I just looked at it. It is a self-serving declaration. Not binding on the company in any way. If the man wants to testify concerning the filling out of the card but I don't think it is admissible in evidence, has no relevancy, no competency, no weight.

TRIAL EXAMINER: Well, it is evidence of his interest in the union. I will take it over your objection.

Mark it General Counsel's Exhibit 4 in evidence, please, Mr. Reporter.

(The document heretofore marked General Counsel's Exhibit 4 for identification, was received in evidence.)

MR. LEINER: May I proceed, Mr. Examiner?

TRIAL EXAMINER: Yes.

Q Mr. Roman, did you ever attend any union meetings?

21

A I did.

Q When were they?

MR.LYONS: I object to this, your Honor. There is no charge here concerning any --

TRIAL EXAMINER: I don't know the purpose of the question. I will take it as a preliminary question.

MR. LEINER: The purpose is that he engaged in union activities, Mr.Examiner.

TRIAL EXAMINER: I will permit him to answer.

Did you?

A I attended meetings from the time I signed the card until I was terminated. February, 1964 to June 19, 1964. I went to every meeting they had.

Q About how many meetings did you attend?

A Six.

Q Now, did you ever distribute any union cards among the employees?

A I did.

Q About how many did you distribute?

A Ten.

Q Do you recall any of the persons to whom you gave the cards for signature who refused to sign?

MR. LYONS: Your Honor, I object at this time.

TRIAL EXAMINER: Let me have that question again, please?

(Question read.)

TRIAL EXAMINER: I will sustain the objection.

MR. LEINER: You sustain the objection?

TRIAL EXAMINER: Yes.

Q Did you offer -- may I proveed?

TRIAL EXAMINER: Yes, go ahead.

Q Did you offer any cards to Masterson or McMillan?

MR. LYONS: I object to this question.

TRIAL EXAMINER: No, let's see where we are going here. I don't know what it is all about.

A I did. I offered them both a card.

Q Where did you make these offers of cards to Masterson and McMillan?

A In our particular office where we waited for assignments.

Q Was anybody else in the office when you asked them to sign?

MR. LYONS: I would like another objection, your Honor. I don't think that I am entitled to a continuing objection so therefore I'm going to have to --

TRIAL EXAMINER: No, you may have an objection to this line of testimony until we find out where we are going.

I am taking these as preliminary questions.

MR. LYONS: I have gotten burnt lately on granting me a continuing line and I am a little leery --

TRIAL EXAMINER: Don't worry about me. I will protect you.

MR. LYONS: It is the other fellows that might some day get into this case and who might say you better make a timely -- the reason I'm stating this, I don't want to be harassing continually by the objection.

TRIAL EXAMINER: You can have a continuous objection to this line of questioning with regard to the solicitation of signatures to authorization cards and to who was present, where they were taken and that sort of thing.

You are protected on the record. I don't know where we are going but we will find out.

What is your next question?

MR. LEINER: I don't know whether the last one was answered, Mr. Examiner. There was an interruption.

TRIAL EXAMINER: Was anyone else present, wasn't that it?

Q Was anybody else present when you offered the cards to McMillan and Masterson?

A Yes, the other two drivers and our supervisor, Louis Alfieri was in the general vicinity.

Q How far away was Mr. Alfieri when you offered the cards to Masterson and McMillan?

A About five feet.

Q Did either McMillan or Masterson sign cards?

A No, sir.

Q What did they tell you?

MR. LYONS: I object to this.

TRIAL EXAMINER: I assume Alfieri could have heard it, so I will permit an answer.

A They both said that they just wanted a little more time to think about it at that time.

MR. LYONS: May I have this time fixed when this happened, the date?

TRIAL EXAMINER: Yes.

Q When did you offer them cards?

A Various times between February --

TRIAL EXAMINER: No, we are talking about one time now when Alfieri was five feet away and you solicited the signatures from two other employees, Masterson and McMillan.

When was that?

A Did you want the exact time and date? It would be pretty hard for me to recall.

TRIAL EXAMINER: As nearly as you can remember it.

A I would say it was on several occasions when he was present --

TRIAL EXAMINER: This one time you testified to. This one time. Place it as nearly as you can. This one time when Alfieri was five feet away and you asked McMillan and you asked Masterson to sign the cards and they said they would take some time to think it over.

A Could you -- Could I have the time to take a look at a calendar for 1964?

TRIAL EXAMINER: You may,yes,sir.'

THE WITNESS: I haven't got a calendar for '64. This is '66. I don't want to be giving a date. It might have been a holiday when we weren't working. I would like to at least refresh my memory.

I'll say March 10, 1964. It was a short time after I had the union card signed.

Q Mr. Roman, did you on more than one occasion offer McMillan and Masterson cards in the presence of Mr.Alfieri?

A Practically every morning we worked.

Q Would you tell the Trial Examiner how many times, to your recollection, you asked Masterson and McMillan to sign union cards in Mr. Alfieri's presence?

A At least ten times in his presence.

Q Did there come a time when either Masterson or McMillan ceased to be a driver?

A McMillan was promoted to dispatcher.

MR. LYONS: Can we have the date on that, please?

Q When was that?

A That was early in 1964.

Q And did he regularly dispatch you?

A Yes.

Q And did you follow his instructions?

A I did.

Q Did there come a time -- withdrawn. Would you tell the

26

Trial Examiner what happened on June 19, 1964?

A That was the day I was called up to the personnel office by Mr. Aylward, Mr. Robinnette, Mr. Van Siclen, the security officer and Louis Alfieri, the supervisor. It was at four o'clock in the afternoon and Mr. Aylward did all the speaking and he gave several explanations why our positions were going to be terminated.

Q Would you tell the Trial Examiner who else was with you at the time that you were being terminated other than the gentlemen you have just mentioned?

A Dale Spicer and Edward Galvani, the other two drivers.

Q Would you tell the Trial Examiner what the explanations were that Mr. Aylward gave you for your termination?

A He said they were going to have the equipment shipped in FOB by Railway Express, by United Parcel, by carrier truck and U.S. mail, parcel post.

Q Did he tell you that there would be no further need for your services?

A That is correct.

Q During the time of your employment, had any drivers ever been laid off?

A No, sir.

Q Whether permanent or temporary?

A No, sir.

Q At the time of your lay-off, was business slow and was

27 your work slow, to your knowledge?

A No, I'd say it was doing very well. In fact, we were busy.

Q What did you do -- withdrawn.

Were you then paid by Mr. Aylward or were you given checks by Mr. Aylward?

A At that time we were given severance pay, vacation pay, final pay.

Q Were you told by Mr. Aylward or anyone else in Mr. Aylward's presence that you would be recalled when work commenced to become busy again?

A No, sir.

Q What happened after he gave you the checks?

A We were escorted out the front door.

Q Do you maintain a locker in the company or place to keep your personal belongings?

MR. LYONS: I object to this, your Honor. Irrelevant and immaterial to this hearing.

TRIAL EXAMINER: Oh, I'll let it in.

A We had places to hang our hats and coats.

Q And did you return from Mr. Aylward's presence to those places?

A We weren't permitted to do that. We were escorted out the building.

MR. LYONS: Objection to that.

29

A Yes.

Q When was this?

A About three weeks after I was terminated.

Q What was that activity?

MR. LYONS: I object to this, your Honor, as to activity that may have taken place three weeks after termination. Not relevant, it is not charged either in the complaint --

TRIAL EXAMINER: Oh, it may have been union activity, I don't know. Let's find out.

Overruled.

A I had paid for the golf tournament they have every year, for the dinner.

Q You paid for the golf tournament. And did you play in the golf tournament?

A I did.

Q When was that?

A Roughly three weeks after June 19th.

Q When did you go to that tournament? What time of the day?

TRIAL EXAMINER: I am thoroughly,utterly, absolutely completely confused. You start off now with a question as to whether or not he returned to the plant --

MR. LEINER: I didn't ask that. I asked if he engaged in any activity with the company employees.

TRIAL EXAMINER: What was your question?

30

MR.LEINER: Did you engage in any activities with company employees thereafter. And he answered yes.

And I said what.

Q Would you tell the Trial Examiner what activity you engaged in with company employees after your termination?

A A golf tournament.

Q And did you testify that that tolf tournament was about three weeks after your termination?

A I did.

Q What time did you arrive at the golf tournament?

MR. LYONS: I object to any testimony concerning the golf tournament.

TRIAL EXAMINER: I'll let it in.

Q About what time did you arrive at the tolf tournament?

A 9:30 in the morning.

Q Where was that?

A Brentwood Country Club, Brentwood.

Q Is that in Long Island?

A Yes, sir.

Q Did you have a conversation with any company supervisor at that time?

A I did.

MR. LYONS: I object to the question.

TRIAL EXAMINER: Overruled.

Q Who did you have a conversation with?

31

A Louis Jansky. He is a supervisor in charge of the experimental blade shop.

Q How did you know --

MR. LYONS: May I call the court's attention, the Trial Examiner's attention, to the fact that this name is totally unfamiliar to me in any part of the complaint or the bill of particulars supplied or is there any place any conversation -- any statements by the Board concerning interrogation outside of the ones mentioned in the complaint and in the bill of particulars.

MR. LEINER: Mr. Examiner, I haven't objected at all to these preliminary and premature objections but if counsel will just hold on, sir, maybe I can show that it was not interrogation at all.

TRIAL EXAMINER: Don't characterize it. The whole point is that Jansky's name is totally unfamiliar to counsel for respondent. He has been described as a supervisor. The point is that no where in the complaint is it mentioned or in the particulars. A perfectly valid observation.

MR. LEINER: It need not be any violation of the Act with regard to Mr. Jansky for it to be material to this proceeding.

TRIAL EXAMINER: Go ahead.

Q Did you have a conversation with Mr. Janksy?

A I did.

golf tournament, Mr. Roman,you were no longer an employee of the company?

THE WITNESS: Technically I wasn't.

TRIAL EXAMINER: You had been paid off?

THE WITNESS: Yes, sir.

TRIAL EXAMINER: And Mr. Jansky, as you understood it then, was in charge of the experimental blade shop?

THE WITNESS: I know he was because I went on errands for him all the time. On company business.

TRIAL EXAMINER: I am talking about this day at the golf tournament.

THE WITNESS: Yes.

TRIAL EXAMINER: You had a certain conversation?

THE WITNESS: Yes, sir.

TRIAL EXAMINER: Was that conversation in regard to anything concerning your past employment with the company?

THE WITNESS: It had a lot to do with my past employment.

TRIAL EXAMINER: Then you tell us what it was.

THE WITNESS: He came up to me and he shook hands because I left in sort of a hurry. Didn't get a chance to say goodby to anybody. And he says to me,"Hi, Pete," he says, "What's this I hear about you being a union agitator."

So I says to him, "You heard wrong."

That was it.

MR. LEINER: May I ask a question of the witness, Mr. Examiner?

TRIAL EXAMINER: I asked the question to see if I could resolve this --

THE WITNESS: He also said something about what the hell did you do that for. You had a pretty good job, in a kidding way.

TRIAL EXAMINER: Just how far can we go in taking this testimony without amending the pleadings so the respondent won't be taken completely by surprise?

MR. LEINER: I hereby request a five minute adjournment or such other time as necessary to make an appropriate motion with regard to the pleadings, Mr. Examiner.

TRIAL EXAMINER: I think really, Mr. Leiner, that if names that don't appear in the pleadings are going to come up, that in all fairness, you ought to move to amend your complaint. We won't have any difficulty. And let the respondent have notice that you intend to bring in testimony and then if it appears the respondent is prejudiced, we can give the respondent time to prepare.

I think that's probably the way to handle it. I don't know of any other way to do it. I am extremely reluctant to let in testimony regarding the actions or statements of supervisors who are not mentioned in the complaint. I just don't think it should be done. The complaint and the answer

MR. LEINER: It is so stipulated by the General Counsel, Mr. Examiner.

MR. LYONS: I didn't follow you there, your Honor, as to 7 (b), that's denied?

TRIAL EXAMINER: That's denied, yes, sir. That's my understanding.

MR. LYONS: I didn't hear that.

TRIAL EXAMINER: 7 (a) of the complaint is admitted. The other two stipulations go to a denial.

MR. CURLEY: Does the charging party join in that stipulation?

MR.RUBENSTEIN: I don't know whether we have to join in that.

TRIAL EXAMINER: Do you stipulate or do you not?

MR. RUBENSTEIN: I stipulate that the dfendant amended its complaint, not as to the accuracy of its --

TRIAL EXAMINER: All right, you refuse to stipulate.

Does the respondent stipulate?

MR. LYONS: The respondent stipulates completely, notwithstanding Mr.Rubenstein's technical remark.

PETER ROMAN

resumed the stand and testified further as follows:

CROSS-EXAMINATION

Q (By Mr. Lyons) Mr. Roman, you are a retired New York City Fire Lieutenant, is that right?

Q Let me ask you this, sir.

Do you know whether the drivers that were kept after you and Mr. Galvani and Mr. Spicer were let out, whether the drivers that were kept were senior toyou in time as drivers at Gyrodyne?

A They were.

Q And isn't it a fact that you three were laid off in order of seniority?

A I was the third one on seniority. After McMillan, Masterson and myself. Then Galvani and then Spicer.

Q The three of you were laid off in that order?

A That is correct.

Q The ones that were left there were the two that were senior to Mr. Galvani, Mr. Spicer and yourself?

A That is correct.

Q And you are not aware whether the Gyrodyne has hired any other drivers since that time?

A No, sir.

Q Are you familiar with the fact that prior to that time, that instead of the material on a lot of the sub-contractors being picked up by Gyrodyne, that the vendors were to deliver them to the Gyrodyne plant and they were paid as of the Gyrodyne delivery instead of having the expense of going and picking them up at the vendors?

MR. LEINER: I object to the form of the question.

It is a matter of defense.

MR. LYONS: I'll withdraw it.

Q Did you know, Mr. Roman, that vendors were delivering the materials that were being ordered by Gyrodyne themselves?

A They were delivering materials when I first went to work for Gyrodyne.

Q Would you say that all of the vendors were delivering?

A Not all of them but the same amount were delivering when I first went there, the same amount were delivering when I left.

Q You say there was no change in the amount of the --

A All I can say, there was no change in the amount of work I was doing. It was just as busy when I left as it was when I first started, which could be proven by the logs, the drivers' logs.

Q Now, would you tell me this, sir. What was the overtime when you were there?

A There was quite a bit of overtime.

Q Was it a usual overtime or was it an unusual overtime?

A I'd say it was usual.

Q Do you know whether there was any increase in overtime after you left there?

MR. LEINER: Objection. There is no foundation of how could he possibly know when he left there, as to the overtime.

examination unless it's necessary.

MR. LYONS: I have no further questions at this time.

May the record indicate that I am returning the two statements to Mr. Leiner?

REDIRECT EXAMINATION

Q (By Mr. Leiner) I show you General Counsel's -- the statements returned by Mr. Lyons, and I ask you, Mr. Roman, whether any place in those statements you have stated that Mr. Jansky was accompanied by Mr. Lionel Martin.

A I did not.

Q As a matter of fact, Mr. Roman, after you were terminated by the company did you have a conversation with any person regarding drivers used by the company?

MR. LYONS: I object to this; improper.

MR. LEINER: It was brought out on the cross-examination.

TRIAL EXAMINER: "Conversation with anyone"is a little bit broad.

Q (By Mr. Leiner) Did you have a conversation with Mr. McMillan regarding the use of substitute drivers?

MR. LYONS: I object to this as not binding upon the company. Any conversation with Mr. McMillan.

MR. LEINER: It is our contention Mr. McMillan was a lead man.

MR. LYONS: You will have to prove it.

General Counsel to establish the supervisory status of the men he claims as supervisors.

I reject your offer of proof.

MR. RUBENSTEIN: I except.

No further questions.

MR. LEINER: In the absence of the witness, I would like to make an offer of proof with regard to the conversation with Mr. McMillan, which was rejected and denied by the Trial Examiner.

TRIAL EXAMINER: Will you step outside for a moment, please?

(Witness temporarily excused)

MR. LYONS: Before any offer of proof is put in, may I call the Trial Examiner's attention to the fact that no secondary evidence can be put in regarding either Jansky or McMillan, because no document has referred to them, either the complaint nor the rider on the subpoena duces tecum.

That was the reason for my application for an adjournment.

There is no question here of secondary evidence at all regarding men who are not mentioned in the proceedings.

TRIAL EXAMINER: Yes, I am aware of that.

I will take your offer of proof.

MR. LEINER: If the witness was permitted to testify, Mr. Examiner, he would testify that in a conversation with

Mr. McMillan after his discharge, Mr. McMillan told him that Richard Scott, a shipping clerk, was now being used by the company as a driver, and that a new packer - packer being the classification - newly-hired, whose name was Paul and the last name was unknown, was also doing driving.

Thank you.

TRIAL EXAMINER: I will reject your offer of proof on the grounds, first, that there has been no showing which would allow me to make a finding that McMillan was a supervisor, and, secondly, there is no showing that as as a natural fact these men were superseded by Scott or anyone else.

I reject your offer, and in so doing I want to tell you now that I sustain the objection made by counsel for the respondent in regard to taking testimony concerning the supervisory status of men who are not alleged to have been supervisory either in the complaint or in the order amending the complaint.

I want the establishment of the supervisory status of these people put forward by the General Counsel at the earliest possible moment.

MR. LEINER: May we go off the record just for a short moment?

TRIAL EXAMINER: I cannot continue to conduct a hearing on the basis of conjecture as to what you are going

1

AFTER RECESS

(Whereupon at 1:45 p.m., the hearing was resumed pursuant to the taking of the recess.)

TRIAL EXAMINER: On the record.

MR. LYONS: On the question of the statements made at the close of the morning sessionon the introduction of evidence of conversations, I'd like to call to the court's attention in the matter of agency that statements of agents can't bind the corporation, admissions of agents can't bind the corporation. Actions of the persons being discussed as supervisors will be the guiding principle regarding their capacity as supervisors.

TRIAL EXAMINER: I have noted your position.

MR. LEINER: In regard to that, I recall, Mr.Examiner, that I cited two cases with regard to the Board's position on the agency principle and the responsibility of corporate respondents --

TRIAL EXAMINER: I believe you did. That's in the record of yesterday.

MR. LYONS: I have the quotations if you would like them. I gave you the citations. I am talking about the particular language used by the Board.

TRIAL EXAMINER: Let's not go into that now. I will read the cases, I assure you.

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

TX 12

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you give your name for the record, Mr. Petito?

A Ernest A.Petito, Jr.

Q Where do you reside?

A 19 Laurel Street, Centereach..

Q When were you first employed by the Gyrodyne Company?

A March 28, 1960.

Q And when did you cease being employed by the company?

A March 2, 1964.

TRIAL EXAMINER: Off the record.

(Discussion off the record.)

TRIAL EXAMINER: On the record.

Mr.Petito, I didn't get the date of your first employment.

THE WITNESS: March 28, 1960.

TRIAL EXAMINER: 1960?

THE WITNESS: That's right.

Q (By Mr. Leiner) Between the date of your first employment and your termination with the company, were you given any raises by the company?

A Yes.

Q How many?

A Four.

Q Tell the Trial Examiner to the best of your knowledge when you were given the raises and how much each was.

A I would say the first one was ten cents after three months of my hiring date. And the next three were in the order of 20, 25 and 20 cents. I don't recall the dates or the months. The last one, I believe, was in November of '63.

Q What was your final rate of pay when you were terminated?

A $3 an hour.

Q Would you tell the Trial Examiner what your job was when you first became an employee of the company?

A I was parts inspector,mechanical parts inspector.

Q How long did that last?

A Roughly six months.

Q And after that, what did you become?

A I was sent out to the field as a replacement for a flight test inspector down at Patuxent River, Maryland.

Q How long did that last?

A About two months.

Q What job did you then take with the company?

A I came back and I was given a job as a quality control analyst.

Q And, Mr. Petito, how long did that last?

A THat lasted roughly four months.

Q And after that, what job did you have?

A After that, I was sent to a field service school which was conducted by Gyrodyne and I went to school from four to six weeks with the end result being a field service representative for the company.

Q How long did you act as field service representative for the company?

A Technically I wasn't considered field service representative after the school. I went out to the flight line and became orientated with the ship and then was sent again to Patuxent River as a flight line inspector, or representing the company, but not in a field service capacity.

Q How long did that job last in Maryland?

A Again, two, two and a half months.

Q Then where did you go?

A Then I came back to the plant and at the time we were quite busy in production and I worked on the floor again, as a flight line inspector and then was sent out on the line, again as a flight test inspector for R & D work.

Q In each of these positions that you have so far noted, had you ever received from the company any criticism as to your work or conduct in performing your job?

A Never.

Q Now, to resume, Mr.Petito, what job did you take after that, with the company?

A I was still on the record in the company, I am a quality control analyst but my job at the company was still flight test inspector. I went to Newport, Rhode Island with this group that I was in R & D with and I believe it was on the LAD program.

Q Is that a program connected with the Gyrodyne drone, which it manufactures?

A That's right.

Q When were you up in Newport, Rhode Island?

A November of 1963.

Q I'll take you back for a minute now and ask you whether there came a time that you had a conversation with any company supervisor with regard to union organization?

A Yes, I did.

Q Would you tell me with whom you had that conversation?

A Mr.Peter Ackles.

Q Who is Mr.Ackles?

A He is plant supervisor.

Q When was this conversation and where was it?

A It was in the main plant. I don't recall the number of the building. And it was in May of 1962.

Q What was the conversation --

MR. LYONS: I object to the conversation. May of 1962.

TRIAL EXAMINER: Yes, well, I will adhere to my ruling of yesterday and assume for the moment that this will lead

Q Would you tell the Trial Examiner what you said to Mr. Ackles and what he said to you?

A I had suggested we form a group internally within the company --

MR.LYONS: I object to this conversation again, your Honor.

TRIAL EXAMINER: If it isn't connected up in a moment, I'll strike it of my own motion. We went into this yesterday at great length when Mr. Zafrano was on the stand. I said that I was extremely reluctant to go back this length of time for background purposes only. That I would not take testimony in connection with any unfair labor practice charge not alleged in the complaint here or the complaint as amended by the order.

And I think that is our understanding, is it not?

MR. LEINER: That is your ruling, sir, but I respectfully -- I will obey your ruling but I must protect the record by making the testimony available so that your ruling can be applied to the facts sought to be elicited.

TRIAL EXAMINER: All right, that's why I am permitting you to go ahead now.

MR. LEINER: Thank you, sir.

Q (By Mr. Leiner) Would you again tell the Trial Examiner what the conversation was between yourself and Mr. Ackles?

A I had suggested to Mr. Ackles if we could try and form something within the company, a committee or a little group which would take care of all the problems that we could take care of internally, again, rather than have a union come in where dues would have to be paid from the employee's salary and seniority and what have you, whenever you have a union.

Q What did Mr.Ackles say to this?

MR. LYONS: I object to this,your Honor, on any conversation initiated regarding any plans suggested by this witness, as to any answer given by Mr.Ackles would not be binding upon the respondent.

TRIAL EXAMINER: I will take it provisionally.

What was his reply to that?

A He okayed my request and he asked me to pick out a man from each department and he would set up an appointment with someone from personnel where we could air the problems of each department.

Q And did you, pursuant to --

MR. LYONS: I move to strike the answer at this time, your Honor, rather than wait.

TRIAL EXAMINER: Well, I think probably I will grant your motion but not right now.

Just let me hear a little bit more from this witness.

MR. LEINER: Mr.Examiner, if we can tie this up, I

would like to proceed.

TRIAL EXAMINER: That's what I expect you to do. I have asked you to go ahead.

Q (By Mr. Leiner) Pursuant to this agreement and direction of Mr. Ackles, did you go to each department and form a committee?

A Yes, I did.

Q And how many persons constituted this committee?

A Roughly 4 to 5 people, including myself.

Q Did you thereafter meet with anyone from the company with this committee?

MR. LYONS: I object to this, your Honor, as irrelevant and immaterial and not binding upon the respondent.

TRIAL EXAMINER: Yes, I will sustain the objection.

I can't possibly see how the formation of a company-dominated union or any employee committee can have anything to do with the instant case.

MR. LEINER: May I have the witness excused for a moment because -- as a matter of fact, at the time of this-- at or about the time or immediately preceding the time of discharge, this came up again.

If you don't want to take it, I will just make my offer of proof, Mr.Examiner. I think it is relevant to the question of continuing anti union animus and it continues from 1962 up to the time --

TRIAL EXAMINER: I can draw no such conclusion.

MR. LEINER: Apart from that, I think it can be linked up with this man's termination and the termination of other employees.

TRIAL EXAMINER: Let's get down to the real facts surrounding his termination.

I will grant the motion to strike. I will sustain the objection --

MR. LEINER: I would like to make an offer of proof, Mr. Examiner.

TRIAL EXAMINER: -- with respect to the suggestion of an employee committee, Mr. Ackles' approval of it and the formation of the committee.

If you will step outside, Mr.Petito, for a moment,we will recall you.

(Witness temporarily excused.)

MR. LEINER: May it please the Examiner, if Mr.Petito were permitted to testify, he would testify that pursuant to the direction of Mr.Ackles, Mr.Petito thereafter met with a representative of the company's personnel department together with the committee at which notes were taken and grievances heard and that thereafter after the election in which the then petitioning union was defeated, there was nothing more heard of this committee nor of the giving of gripes.

I take it that the Trial Examiner's ruling with regard

to the time of the testimony which I would elicit from this witness also surrounds, as it did with the case of Mr. Zafrano, a previous witness, the company-wide meeting which was addressed by Mr.Papadakos.

Am I mistaken, Mr.Examiner?

TRIAL EXAMINER: Yes. I feel that not only are the events too remote in point of time but more importantly,they go to what appear to be unfair labor practices totally unconnected with the issues in this particular -- in our instant case.

MR.LEINER: I again, sir, say they are direct evidence of continued, widespread, top-to-bottom company animus with regard to union organization.

TRIAL EXAMINER: Yes, but --

MR. LEINER: And relevant and material to this hearing and to the allegations alleged in the complaint.

TRIAL EXAMINER: I must disagree with you.

MR. LEINER: I respect your ruling.

May I therefore continue the offer of proof, sir,with regard to that element?

TRIAL EXAMINER: I thought you had finished.

MR.LEINER: Mr.Petito, if permitted to testify, would testify to being present at a company-wide meeting called by and addressed by Mr.Papadakos, the president and chairman of the board of the respondent. That Mr.Papadakos made a

speech to all the employees that the unit employs, by which I mean those entitled to vote in that election were set aside from other employees, that Mr. Papadakos made promises of full pay for jury duty which had heretofore not been the company practice. That Mr. Papadakos said and threatened to hire a union agent, an ex-union agent if the union won and to treat the employees as - through this -- treat with the employees through this union agent rather than continue the open door policy which he observed.

TRIAL EXAMINER: All this prior to the --

MR. LEINER: This is in 1962, prior to the June election. A week before the June election.

And he cautioned the employees not to throw manure on their lawn and to carry their gold carefully.

And Mr.Papadakos also warned a Mr.A. and a Mr. B. who were employees of the company and known to the employer to be union organizers that they should cease their union activities and step into line and become devoted employees of the company.

Thank you, Mr. Examiner.

MR.RUBENSTEIN: I join in that offer of proof, Mr. Examiner.

TRIAL EXAMINER: Yes, the joint offer is rejected.

MR. LEINER: May I recall the witness?

TRIAL EXAMINER: Yes.

ERNEST A. PETITO,JR.

resumed the stand and testified further as follows:

DIRECT EXAMINATION (resumed

Q (By Mr.Leiner) In or about December, 1963, Mr.Petito, did you suffer a physical mishap?

A Yes, I broke my ankle.

Q Was it a major fracture or minor fracture?

A It was a hairline crack which required a cast.

Q How many days work did you miss pursuant to that fracture?

A None, as I recall.

Q Did you report for work after the fracture and in the cast?

A Yes.

Q And to whom did you report?

A To --

MR. LYONS: I move to strike out any testimony concerning an accident or incident in which he had a hairline fracture of the ankle which did not disable him.

MR. LEINER: It is germane, Mr.Examiner.

Will you take it?

TRIAL EXAMINER: Yes, I'll take it.

Q To whom did you report?

A Mr. Groff Ward.

MR. LYONS: May I have the time fixed?

Q When was this approximately?

A Are you asking for a date?

Q Approximately, to the best of your recollection, what date of the year was this or what part of the month?

A I would say the middle of December, 1963.

Q Who is Mr. Groff Ward?

A Chief inspector.

Q Of the company?

A Of the company.

Q How many inspectors does he supervise?

MR. LYONS: I object to this. There is no foundation laid as to Mr.Groff Ward,as to his duties.

MR. LEINER: I withdraw the question, Mr.Examiner.

MR. LYONS: Thank you.

Q What are Mr.Groff Ward's duties with respect to you and your job and to the others similarly situated?

MR. LYONS: I object to the question. Improper. Calling for a conclusion. The operation of someone else's mind.

Q If you know.

TRIAL EXAMINER: If the witness knows.

Did you work under Mr. Ward?

THE WITNESS: In essence, I did, yes.

TRIAL EXAMINER: You referred to him as the chief inspector. Were there any other inspectors subordinate to Mr. Ward?

THE WITNESS: Yes, there were.

TRIAL EXAMINER: Did you report first to someone else before you reported to Mr. Ward?

THE WITNESS: At times, I would.

TRIAL EXAMINER: All right.

Q Who is Mr.Ward's assistant or chief assistant?

A Mr. Buddy Hauck.

Q As a -- what job were you employed within the company at the time that you fractured your ankle?

A Flight line inspector.

Q Who did you report to as your first immediate supervisor as a flight line inspector?

A Project engineer.

Q What was his name?

A There were various project engineers. Mr. Chuck Darling.

Q Ifyou know, who is Mr. Darling's supervisor in the company?

A Tbis was engineering now. I don't know if he reported directly to Mr.Papadakos --

MR. LYONS: Your Honor, I object to this method of attempting to put into evidence the table of organization.

TRIAL EXAMINER: It is about the only way the General Counsel has, Mr.Lyons. I will just have to weigh the testimony and give it the weight it deserves.

MR.LYONS: I don't think this is an orderly procedure.

I don't believe this is the only way that General Counsel can do this. I believe there are proper ways of doing it.

TRIAL EXAMINER: I am still hoping to be told by counsel that you agree that some people are supervisors and some are not. I have no knowledge.

MR. LYONS: We have and I think we are agreeing on some subpoenas here for production of certain executive personnel probably that will be able to explain this and give to the Trial Examiner and to ourselves an orderly procedure as to the table of organization. They have been subpoenaed here and they will be before us at the proper time when the proper witnesses are on the stand, certain charts and certain other papers -- if this is going to continue, I am going to have to continue to press my objections.

TRIAL EXAMINER: I must say that I can't chide you for that. I would do the same thing.

MR. LEINER: Mr.Lyons is controlling this hearing by just those tactics.

TRIAL EXAMINER: Mr.Lyons is not controlling this hearing. Can't we get over this obstacle?

MR. LEINER: I asked Mr.Curley with regard to Groff Ward who is undoubtedly a supervisor and at the time we were making stipulations and we got no progress there.

General Counsel is going the best he is able under the

circumstances.

MR. CURLEY: May I state for the record --

TRIAL EXAMINER: Just a minute, Mr.Curley.

Mr.Lyons has just told us that he has available here and will produce at the proper time, when the right witness is on the stand, organization charts, names and descriptions of jobs which will clear up this situation.

MR. LEINER: I am severely pained, Mr. Examiner. We called for that witness at the opening of this hearing, Mr.Aylward, who has the most particular knowledge of the personnel set up in the company and he defied a lawful subpoena where that subpoena was petitioned for revocation by the respondent and the petition was denied.

We tried to do that time and time again at the opening and now you say that in agreement with Mr.Lyons, that at the proper time and place, at his choosing, that we will go into that issue of company organization with charts he is going to produce, which he has defied producing pursuant to subpoena.

I can't understand that.

TRIAL EXAMINER: What do you have that's available for inspection at the moment on this particular situation?

MR. LYONS: Your Honor, I have here a great deal of material which can only be explained by not Mr. Aylward but by the proper executives of this company. Mr. Aylward is

employed in the personnel department which does not, from an executive point of view, mean that he can give the complete table of organization within these departments.

I say that if the subpoenas that are now being written out as they should have been,in my opinion - and it is only mine, I am not trying their case or even criticizing them, but I must protect the record, that when the proper persons are produced here and the supervisory umbrella is explained, then and only then can we get to the fact as to whether these people were supervisors, what capacity they were employed in and we would not have this continual objection by me to questions which I consider highly improper.

Now, I offered this morning to sit down with Mr.Rubenstein, which I did, and to amend the complaint and there was no question.

When we got together as to the word agency as regarding this proceeding only and I produced here -- oh, everything I think that may be of help to it when it can be orderly shown. Now, there are a number of charts here -- may I have one just to show the Trial Examiner -- I am not offering it in evidence. May I have that?

This goes to a matter of good faith.

(Document handed to the Trial Examiner.)

TRIAL EXAMINER: I have just examined an organization chart, an outline, I suppose you would call it handed to me

by Mr. Lyons and there is not much from that to be gleaned by me at least, except it is a rather complicated set-up insofar as production and that sort of thing is concerned.

How many employees are employed by this company?

MR. LYONS: I think 800.

TRIAL EXAMINER: As a practical matter, I think I'll do this. Insofar as the alleged discriminatees are concerned, which includes Mr.Petito, the present witness,I'll permit testimony going to show the circumstances surrounding his employment, what he did. That's already in the record. What his jobs were. I'll let him describe as best he may who his supervisors were by name or by title and as much as he knows concerning their duties, their functions and their responsibilities.

I think that's the only way we will ever get anywhere in this case. With that sort of testimony in, I believe the General Counsel will have shown sufficient to -- if the testimony develops as he hopes it will, to show a prima facie case.

Then we come down to the company's case and I'll consider that when we reach that point. But right now, to repeat, I think - no, I shall permit the General Counsel to testify with regard to the alleged discriminatees, question them regarding the facts of their employment, their duties, and the facts surrounding the termination of their employment

and I shall allow the witness to describe as best he knows what the supervisory situation was during the time of his employment as it concerned him.

MR.LYONS: By supervisory --

TRIAL EXAMINER: Now, I know that that will meet with your objection that a number of the names mentioned, Mr.Lyons, you will say are not supervisors and therefore they can't bind the company.

I say to you that that is something you will have to meet on the defense of the case because the only way, as I see it now that we are going to get anywhere with this case at all, in view of the present situation and the right of the General Counsel to adduce secondary evidence on a refusal to answer a subpoena duces tecum, is to do as I say. That's the only way we will ever get anywhere. Otherwise, the General Counsel's case is defeated at the outset. He is through.

MR. LYONS: May I inquire of the Trial Examiner in which way we have refused to answer the subpoena duces tecum? I would like it noted on the record that I have produced --

TRIAL EXAMINER: If the records are called for by General Counsel and are produced from a witness on the stand that makes their production relevant, then the respondent has not failed to respond.

If, however, the company reserves its own judgment on

examine Mr.Petito regarding what he knows about Mr.Ward's duties and responsibilities.

I have told you that I will permit that.

MR. LEINER: I admitted to thickness, Mr.Examiner,and perhaps this is a good example of that.

TRIAL EXAMINER: I don't concede you are thick at all. On the contrary.

MR. LEINER: Could you read the last question back to Mr.Petito, please?

(The record was read by the reporter.)

MR. LYONS: I move to strike.

TRIAL EXAMINER: Motion denied.

Q (By Mr. Leiner) I ask you directly, Mr. Petito, can you tell the Trial Examiner what your relationship was in terms of your work to Mr. Groff Ward?

A As was stated, he was chief inspector of quality control and any problems that were incurred at the flight line, I would go to him and tell him what had happened, depending on the problem, and he would direct me what to do.

Q You say he would direct me what to do.

What would he direct you to do?

A Depending on the problem.

Q Tell the Trial Examiner what he would direct you to do.

A If there was a problem as far as malfunction on an

TRIAL EXAMINER: Do you know who directed the persons to report to work at Newport?

THE WITNESS: Yes, I do.

TRIAL EXAMINER: Who?

THE WITNESS: Peter Ackles.

Q And would you tell the Trial Examiner to whom you reported after you broke your ankle?

A After I broke my ankle, I reported to Groff Ward.

Q How many persons reported to Groff Ward for assignment for work, if you know?

A As many people as were under him.

Q How many people were under him, if you know?

A 40 to 50 people.

Q Did Mr.Groff Ward have an office?

A Yes, he did.

Q Did he have a secretary?

A Yes, he did.

Q Did he have a telephone?

A Yes, he did.

MR. LYONS: May I ask the Trial Examiner to direct General Counsel not to lead the witness?

TRIAL EXAMINER: Yes.

Q You testified as to the fact that you received raises from time to time?

A Yes.

Q Do you know who recommended you for those raises?

A On three occasions, Mr.Groff Ward. On the fourth occasion, Mr.Peter Ackles.

Q Did you receive the raises that they recommended, if you know?

A I do not know what they recommended for me.

Q Did they tell you that they recommended raises -- did Mr. Groff Ward tell you that he recommended you for raises?

MR. LYONS: Objection.

A Three times,yes.

Q You stated that you returned and reported to Mr.Groff Ward after you broke your ankle. Is that a fact?

A Yes.

Q What happened then?

A Well, since I was incapable of doing flight line inspection which required my climbing, I was given a job again as a quality control statistician or whatever you want to call it.

Q W ho gave you the job, who directed you to that job?

A Mr. Ward.

Q Which Mr. Ward is that?

A Mr. Groff Ward.

Q How long did you work as a -- did you call it a quality control analyst?

A Yes.

Q How long did you work at that job?

A Roughly six weeks.

Q And what did you do then?

A Upon completion of the job?

Q Upon completion of the job.

A Upon completion of the job, my ankle had healed enough for me to report back to flight line work and I went to Mr. Ward, Mr. Groff Ward, and told him that I was ready to go back to the flight line and he said that job was not available to me any more and suggested that I go and do casting layout inspection work, which I had done when I was first hired. I told him this and he said, well, that's all that's available right now.

Q What did you say when he offered you this job?

A I said this in my estimation is no progress as far as I'm concerned and I told him that I was sorry that I had fought against the union in '62 --

MR.LYONS: I object to this, your Honor.

TRIAL EXAMINER: I'll let it stand.

A TCat I'm sorry I fought against the union in '62. What this place needs is a union. Then I requested to go see Mr. Peter Ackles.

Q When Mr.Groff Wardsaid that you would take this other job, did he say that it would entail a reduction in pay?

A No.

MR. LYONS: May I have this time fixed, please?

Q When was this that you had this discussion with Mr. Groff Ward?

A Roughly the beginning of February, end of January.

Q What year?

A 1964.

Q Is it your testimony, you said that you requested Mr. Groff Ward's permission to speak with someone else?

A Yes, to Mr.Peter Ackles.

Q And did you speak to Peter Ackles?

A Yes, I did.

Q Would you tell the Trial Examiner what that conversation was, where it was and when it was?

A It was in the main plant and I requested to Mr.Ackles that I be terminated.

Q Well, when was this? How long after your conversation with Mr. Ward?

A Five to ten minutes.

Q And what did Mr.Ackles say when you asked to be terminated?

A Well, he asked me why did I want to be terminated. And I told him that there was no job available to me and there is no sense in me walking around. I can't stand around doing nothing and that was the gist of it.

Q Well, what happened then?

A Well, he got on the phone and called a Mr.Hollwedel.

Q And what happened after that?

A He told Mr. Hollwedel that he has a man here walking around doing nothing and to try to find me a job.

Q I didn't understand you.

A He had a man here sho says he is doing nothing and to give me a job.

Q And what happened after that?

A Well, there was some conversation over the phone and he hung up and told me to report back to the inspection department.

Q And did you report back to the inspection department?

A Yes, I did.

Q And what did you do there?

A Mr. Hauck got me in tow and put me in tool and gauge department.

MR. LYONS: When was this, may I have a time fixed, Mr. Examiner?

TRIAL EXAMINER: Yes.

Can you tell us when this was?

THE WITNESS: The latter part of February.

TRIAL EXAMINER: 1964?

THE WITNESS: Yes.

TRIAL EXAMINER: Who was it you reported to?

THE WITNESS: Mr. Hauck. Mr. Ward was out at the time.

Q And did Mr.Hauck assign you a job?

A Yes, I was put in tool and gauge.

q What did you do in tool and gauge?

A I inspected all the tools and gauges.

Q Did you suffer a cut in pay in that job?

A No, I did not.

Q How long did you work in tool and gauge?

A Approximately two weeks.

Q What happened then?

A I was summoned by Mr.Joe Cheskowski.

Q Who is Mr.Cheskowski?

A A personnel man.

Q What happened with Mr.Cheskowski?

A He called me into the office, inspection office and he told me, "I don't know how to say this, but you have been terminated."

Q He told you you were terminated?

A Yes.

Q Did you have a conversation with him?

A I asked him why?

Q What did he say?

A He said, I have no idea.

Q What did you do then?

A I requested if I could see my records.

Q What did he say?

A He said yes, okay, let's go over to the personnel department. I am interested myself.

Q What happened then?

A We looked through the records. There was no problems as far as I was concerned to be terminated. The only thing that had shown was my absence as far as taking a day off during the year which always seemed to fall on a Tuesday.

Q Were you reprimanded for having taken absences?

A I don't recall if I was verbally reprimanded or given a piece of paper but it was straightened out either way.

Q When was the last time that the company brought to your attention the fact that you had taken off a day?

A I'd say a year prior to this termination period.

Q Did you ask to see anyone else with regard to your termination?

A I asked to see Mr.Papadakos.

Q Did you see Mr.Papadakos?

A No, I was refused.

Q Did you ask to see anybody else?

A I asked to see Mr. Ackles.

MR. LYONS: I object to this as totally irrelevant, immaterial and incompetent.

MR. LEINER: Mr.Examiner, it goes to his discharge.

TRIAL EXAMINER: I'll overrule the objection.

You asked to see Mr.Papadakos.

Now I think the question is, did you ask to see anybody else?

THE WITNESS: Yes, I asked to see Mr. Ackles.

Q When you say you asked to see Mr.Papadakos and you askedto see Mr.Ackles, whom did you ask to see them?

A Mr. Cheskowski.

Q Did you see Mr. Ackles?

A Yes, I did.

Q Would you tell the Trial Examiner if you had any conversation with him?

A Yes, I had a conversation with him.

Q What was that conversation?

A I asked him why am I being discharged.

Q What did he say?

A And as far as he knew, he didn't know anything.

Q Is that all he said?

A He said that he was completely surprised and he was not present when the orders came through for my termination.

Q Now, again, what did Mr.Cheskowski say was the reason for your being separated from employment?

MR. LYONS: I object to that as already answered.

MR. LEINER: I will withdraw the question, Mr.Examiner.

Q Did you thereafter apply for State Unemployment Insurance?

A No, I did not.

MR. LYONS: I object to that.

TRIAL EXAMINER: He said no.

Q Did you thereafter learn of the reason, any other reason advanced by the company for your being terminated?

MR. LYONS: I object to the question.

TRIAL EXAMINER: Overruled.

A I had found out two months later why I had been laid off.

Q Where did you find out from?

MR. LYONS: I object to this.

MR. LEINER: Subject to connection. I will withdraw the question if it is not connected, Mr. Examiner.

TRIAL EXAMINER: I think it is a proper question.

A At the New York State Unemployment Agency in Patchogue.

Q Well, would you tell the Trial Examiner what transpired there?

A Well, --

MR. LYONS: Your Honor, I object to anything that took place at the New York Unemployment Agency as having any binding effect upon this respondent.

TRIAL EXAMINER: Well, I would guess that something was discussed having to do with his termination. I will take it subject to connection.

What did you find out?

THE WITNESS: I found out I was laid off because of unsatisfactory work performance.

TRIAL EXAMINER: Did that appear on some record of that agency?

THE WITNESS: Evidently it did, Mr.Examiner.

TRIAL EXAMINER: Were you just told that?

THE WITNESS: I was told by the person I was to go see for my unemployment.

MR. LEINER: I have no further questions, Mr.Examiner.

MR. LYONS: At this time, Mr.Examiner, I move to strike the entire testimony of this witness as being absolutely irrelevant concerning any of the charges before this hearing.

TRIAL EXAMINER: I will deny the motion.

MR. LYONS: I have no questions.

Let me see his statement, please.

MR. RUBENSTEIN: May I ask a question?

MR.LYONS: I'm sorry, Mr.Trial Examiner. I made my motion before Mr.Rubenstein had spoken.

TRIAL EXAMINER: That's all right.

Q (By Mr. Rubenstein) Mr.Petito, I think you testified that you wanted to see Mr.Papadakos at the time you were discharged.

Were you given any reasons as to why you couldn't see Mr.Papadakos?

MR. LYONS: I object to this,your Honor.

TRIAL EXAMINER: On the record.

MR. LYONS: Let the record show I am returning the statements.

I have no questions.

TRIAL EXAMINER: You are excused.

(Witness excused)

URBANO CARL GIOVANNIELLO

a witness called by and on behalf of the General Counsel, being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION 14-15

Q (By Mr. Leiner) Would you state your name for the record, sir?

A Urbano Carl Giovanniello.

Q Are you more often called Urbano or Carl?

A Carl.

Q Where do you reside, Mr. Giovaniello?

A 7 Home Lane, Hicksville, Long Island.

Q Were you ever employed by the Gyrodyne Company?

A Yes, sir.

Q When were you first employed?

A The 27th ofDecember, 1961.

Q When did you cease being employed?

A The 3rd of March, 1964.

Q At the time of your termination what was your job?

A I was a packer in the packaging section.

Q What was your rate of pay?

A I believe it was $2.70 an hour.

Q Had you received any increases in pay during your years with the company?

A Yes, sir.

Q How many did you receive?

A I received two 10-cent raises.

Q Do you remember when they were?

A The exact time I'm not certain of, but it did seem odd that one raise came through when the union -- one of the unions anyway --

MR. LYONS: Move to strike that out.

TRIAL EXAMINER: Motion granted.

A The time element I can't give you.

Q (By Mr. Leiner) What year was the first one?

A I believe it was '62.

Q When was the next one?

A I think that was in '63.

Q Now, you testified that you were in government stores working?

A That's what they called it.

Q Were you also employed in government stores?

A No, I was not.

Q Where were you employed in 1962?

A In '62 I was in the blade shop.

Leiner's statement about exact parallel situations. There is no parallel at all. He is not here to testify and he is continually putting statements on concerning the actions of people who he hasn't questioned or anything else. He is summing up before the case has even been, as you just said, 5 percent in.

I, therefore, ask that he be directed to confine himself to the evidence.

MR. LEINER: As the late President Kennedy said, there must be a beginning and we must start from the beginning and work forward in time.

TRIAL EXAMINER: I have made myself clear and I am sure you understood me when I said that I am not concerned and will not take testimony concerning events which may or may not have been unfair labor practices which occurred in connection with union organization in 1962.

MR. LEINER: Yes, sir. I would like to make an offer of proof.

TRIAL EXAMINER: It isn't necessary to make an offer of proof every time. You are protected on the record.

MR. LEINER: This is different material.

TRIAL EXAMINER: All right, then, make your offer of proof.

MR. LEINER: If Mr. Giovanniello would be permitted to testify, he would testify that in Mr. Papadakos' office

he was told by Mr. Papadakos that he and the blade department employes were summoned to inquire into their -- what he described as gripes. And that in order to discourage the union sentiment among the employes, Mr. Papadakos wanted to know if there was anything he could do for the employes and what their gripes were.

When it came to Mr. Giovanniello, Mr. Giovanniello said he didn't have a gripe but he couldn't do the work in the blade department because of a physical condition and he asked to be transferred, at which point Mr. Papadakos asked Mr. Dennis, the supervisor in the blade department, whether he could be transferred, and Mr. Dennis said of course he could, and he was then transferred into his present job.

And then again in conformity with your prior ruling with regard to the speech which Mr. Papadakos made, Mr. Giovanniello would testify that during that speech Mr. Papadakos in addressing the entire assemblage of Gyrodyne employes, said that he knew who Mr. A and Mr. B were, that they were union organizers, and if they didn't stop their organizing activity they would not be long in Gyrodyne's employ.

Thank you, Mr. Examiner.

TRIAL EXAMINER: The offer is rejected.

MR. LEINER: May I recall the witness, sir?

TRIAL EXAMINER: And, furthermore, let me make it as clearly understood as I can to you, that I will not take testimony of any kind from any of your witnesses regarding the 1962 organizational effort. It is too remote.

Unless, as I tried to underline yesterday, it relates directly to the unfair labor practices asserted in your complaint.

MR. LEINER: I tried to make that point here, but Mr. Lyons spoke about my talking about parallel action.

TRIAL EXAMINER: Your offer of proof doesn't conform with my requirements and I therefore rejected it.

MR. LEINER: I will certainly abide by your ruling, sir.

May I recall the witness?

TRIAL EXAMINER: Yes.

(Witness resumed the stand)

MR. RUBENSTEIN: Mr. Examiner, I join in that offer of proof and I assume that your ruling deals with the joint offer.

TRIAL EXAMINER: It will be the same, yes.

Q (By Mr. Leiner) Mr. Giovanniello, I show you--withdrawn

MR. LEINER: Would you mark this for identification, please?

(Thereupon the document referred to was marked General Counsel's Exhibit No.7 for identification.)

Q (By Mr. Leiner) I show you General Counsel's Exhibit 7 for identification, and I ask you if you can identify it, please.

A Yes.

Q Would you tell the Trial Examiner what it is?

A This is a card I signed for the UAW as a member of the union.

MR. LEINER: I offer it in evidence.

TRIAL EXAMINER: What's the date of the card, please?

MR. LEINER: 1-8-64.

MR. LYONS: I object, your Honor. It is irrelevant, immaterial and incompetent; not binding on the respondent. The witness is here to testify.

TRIAL EXAMINER: Well, I assume it will be followed up with questions having to do with the union.

MR. LEINER: It will.

TRIAL EXAMINER: I will reserve ruling for the moment.

Q (By Mr. Leiner) Mr. Giovanniello, did you ever attend any union meetings?

A Yes, I did.

Q How many?

MR. LYONS: I object to this as irrelevant, immaterial and incompetent.

TRIAL EXAMINER: Overruled.

Q (By Mr. Leiner) How many?

A About three, I believe.

Q When was the last one you attended?

A The last one I attended was about two weeks before I got the axe. That would be sometime in February, I believe it was. The latter part of February '64.

Q Where did you attend this meeting?

A It was at the Elks Lodge in Smithtown.

Q Thereafter did you have a conversation with any supervisor regarding the union?

A Yes, I did.

Q With whom did you have that conversation?

A I had a conversation with Mr. Alfieri, who was the motor pool supervisor or foreman or whatever you want to call him.

Q Where did you have this conversation with Mr. Alfieri?

A In an anteroom adjacent to the packaging section.

Q Was that near the motor pool?

A Yes, sir.

Q How far from the motor pool was it?

A About 18 inches.

Q Would you tell the Trial Examiner what Mr. Alfieri said to you and what you said to Mr. Alfieri?

A Mr. Alfieri said to me that someone had told him that

I was a union organizer,and naturally I denied it because I was not organizing anyone. He asked me if we had ever discussed it and I said yes, we did discuss the union and we were curious to the aspects of it.

And then he told me, when I denied being an organizer, that he was very glad to hear that I had not been an organizer

Q Did he ask you if you had signed a card?

A Yes, he did, and I told him I had signed a card.

MR. LYONS: I ask that the General Counsel be directed not to lead or suggest to the witness any answers.

MR. LEINER: I offer the card in evidence, Mr. Examiner.

TRIAL EXAMINER: I will receive General Counsel's 7 over objection of counsel for the respondent.

(General Counsel's Exhibit No.7 for identification was received in evidence.)

Q (By Mr. Leiner) Would you tell the Trial Examiner in your own words what transpired in or about March -- on March 3, 1964, the date of your termination?

A On the date of the 3rd of March, during the early hours of the day, several of the junior men had been called into a conference individually and they were told what amounts of money they were getting in raises.

That afternoon I was called in with Stanley Svandrlik and Mr. Jack Burke and Mr. Donohue.

Q Who is Mr. Jack Burke?

A The foreman of the packaging section.

Q Who is Mr. Donohue?

A The packaging engineer.

Q In what section?

A In the packaging section.

Q Would you describe for the Trial Examiner what duties, if you know, of Mr. Burke were with respect to you and your doing your job?

A Yes. Mr. Burke would delegate the packaging to be done that day and see to it that the jobs were done to satisfaction.

Q To whose satisfaction?

A To Mr. Burke's satisfaction and the military inspection. You see, if I may elaborate a little.

Q Please do.

A The packaging section and the work that I did do there were varied. However, military specifications set forth a procedure in which to package particular items. In many cases they are complex. Sometimes we will be packing electronic parts, so from the electronic item you will not dip and preserve. There is an entirely different system involved there. Nuts, washers, bolts, they are not only dipped clean but they are also preserved and packaged.

Then you have items that are of a larger nature

such as in our particular case transmissions.

Before we went into the solid steel containers we used to have to take and package the item into an aluminum burlap container -- it's not actually burlap, but it was a canvas, aluminum-coated, a flexible item. The shiny parts of the item had to be cleaned and preserved with what we call a P-2, which was the equivalent to the old Cosmoline.

Q May I ask you at this point, Mr. Giovaniello, if you know the name of the military specification which you packed under, or subject to which you packed?

A I am sorry, I can't give you an answer outright on that. It's been some time since I did the packing and checked specs on it. However, I do know this, every time a transmission had to be packed Mr. Burke would send me up to do it.

Q I show you --

MR. LEINER: Would you mark this for identification, please?

(Thereupon the document referred to was marked General Counsel's Exhibit No.8 for identification.)

Q I show you General Counsel's 8 for identification, and I ask you if you know what it is.

A Yes. This is what we used to use as a bible. This would give you specifications on the type of packaging

you would have to do, whether it was a Class A, method 1, 2 and 3, and so forth.

Q Who decided whether -- who decided in your department whether you had properly packed the goods that you in fact did pack?

A There were -- I would say there were actually two people involved in that. That would be the Government inspectors and our foreman, Jack Burke.

MR. LEINER: I offer GC-8 in evidence, Mr. Examiner.

MR. LYONS: No objection.

TRIAL EXAMINER: Without objection, General Counsel's 8 is received in evidence.

(General Counsel's Exhibit No.8 for identification was received in evidence.)

Q (By Mr. Leiner) Mr. Giovaniello, you said you and Mr. Svandrlik were called into an office and told about certain raises, did you not?

A Yes.

Q Who called you in?

A Mr. Jack Burke did.

Q What -- would you tell the Trial Examiner what Mr. Burke told you?

A Mr. Burke told Svandrlik and I --

MR. LYONS: The same objection, your Honor, as to any conversation with Mr. Burke.

TRIAL EXAMINER: Yes, sir.

Q (By Mr. Leiner) Would you continue, please?

A Mr. Burke told Stanley and I that we were being classified as Class A packers. We asked him about moneys that would go with it. He told us that the company was still in the process of getting the -- more or less a consensus of pay for Class A packers, and that when they finally arrived at a decision, then we would get that money retroactive.

Q Did you then leave the office?

A Yes. It was only about a moment or so after that.

Q What happened after that?

A I'd say roughly about 20-odd minutes later Mr. Tom Barnes come into the packaging room --

Q Who is Mr. Tom Barnes?

A Mr. Tom Barnes was the representative of the personnel division who had hired me.

Q What did he say to you?

A He put his arm around my shoulder and said, "Carl, get your coat and follow me up to my office, please."

Q And did you?

A Yes, I did. I mean--

Q What happened then?

A Well, I sat down at the chair next to his desk and he told me that the company was letting me go.

Q Did you ask him why?

A I did.

Q What did he say?

A He told me that my work wasn't satisfactory. I looked at Mr. Barnes and said, "Now, look, this is no joke. I can't see anything funny in this. I just got promoted to Class A packer. Now you are telling me I am getting fired. How does this figure out."

He said, "Well, that's it, there is no joke involved here."

Q Did you ask to see anybody?

A Yes, I wanted to see -- first I wanted to see Mr. Aylward, but that was denied me. Then I told him I wanted to see Mr. Papadakos and he told me Mr. Papadakos wasn't there, and as a result I didn't get to see him.

MR. LEINER: No further questions.

TRIAL EXAMINER: Mr. Rubenstein, do you have any questions?

MR. RUBENSTEIN: Not at this time.

CROSS EXAMINATION

Q (By Mr. Lyons) Mr. Giovanniello, did you make a statement to either the National Labor Relations Board or to representatives of the union or to both of them?

A On what, sir?

Q I dropped my voice. I am sorry.

He was asked a question by, if I may say so, the reason for this line of questioning, he was asked as to whether or not he was ever criticized.

TRIAL EXAMINER: The answer is completely meaningless.

MR. RUBENSTEIN: I would like to develop whether he was criticized or not.

TRIAL EXAMINER: It wasn't gone into at all. The question was asked. It was not answered except by a question. That's all there is to it.

MR. RUBENSTEIN: Then I withdraw my question.

THE WITNESS: May I say something?

TRIAL EXAMINER: No, you may not.

(Witness excused)

STANLEY J. SVANDRLIK

a witness called by and on behalf of the General Counsel, being duly sworn, was examined and testified as follows:

MR. LYONS: Before the witness is questioned, may I return the two statements given to me by Mr. Leiner concerning Mr. Giovanniello?

MR. LEINER: Thank you.

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state and spell your name for the record, please, sir?

A Stanley J. Svandrlik, S-v-a-n-d-r-l-i-k.

Q Mr. Vandrlik, when were you first hired by the

Gyrodyne Company?

MR. CURLEY: May we have his address?

Q (By Mr. Leiner) Where do you reside?

A 42 Halsey Street, Port Jefferson Station, New York.

Q Mr. Svandrlik, when were you first hired by the Gyrodyne Company?

A October, 1962.

Q What was your job?

A I was hired to be a warehouseman.

Q Where did you work?

A Government stores.

Q What do you do in Government stores?

A I was a packer.

Q Mr. Svandrlik, did you ever receive any raises with the company?

A Not a nickel or a penny.

Q Mr. Svandrlik, I show you General Counsel's 9 for identification.

(Thereupon the document referred to was marked General Counsel's Exhibit No.9 for identification.)

Q (By Mr. Leiner) I show you General Counsel's Exhibit 9 for identification, and I ask you to tell the Trial Examiner what it is, please.

A It is the card that I sent to the union.

Q Is that your signature at the bottom?

A That is correct.

MR. LEINER: I offer it in evidence.

TRIAL EXAMINER: What's the date of that card?

MR. LEINER: 6-24-63.

MR. LYONS: Same objection as to the prior offer, your Honor.

TRIAL EXAMINER: I assume it will be followed up.

MR. LEINER: It will, sir.

TRIAL EXAMINER: I will reserve ruling at the moment.

Q (By Mr. Leiner) Did you have a conversation with any supervisor of the company with regard to a union?

A Yes.

Q If so, did you have more than one?

A Yes, I had with Mr. Hoffman, who was the immediate supervisor of the entire Government stores section.

Q What is his full name, if you know?

A Harry H. Hoffman.

Q You say he was the supervisor of the entire Government stores section.

Will you tell the Trial Examiner what he in fact did as supervisor?

A Well, he was the over-all boss of the Government stores, which took care of the packaging and crating, Government-furnished equipment and Government-owned equipment, and so forth.

Q Would you tell me who his subordinates were, if you know, who were lead men or supervisors?

A Well, there was Mr. John Donohue, who was in charge -- he was the packaging specialist,and his assistant, which was my immediate supervisor or lead man, which was John Burke.

Q Now, you said -- how many conversations did you have with Mr. Hoffman regarding the union?

MR. LYONS: May I ask that the times be fixed of these conversations and the place?

MR. LEINER: I will endeavor to do so, Mr. Examiner.

Q (By Mr. Leiner) How many conversations did you have with Mr. Hoffman regarding the union?

A As far as the time?

Q How many did you have?

A I'd say at least two or three that I know of.

Q When was the first one, if you recall?

A When I didn't get my first raise after the 90-day period, which when I was told when I was first hired I would get a 10-cent increase after the 90-day probationary period.

Q Did you have a conversation with him thereafter about the union?

A Every time the raise came up --

MR. LYONS: May I object to any conversation in '62 or

early '63?

TRIAL EXAMINER: This was in 1963?

MR. LEINER: He signed the card in '63, Mr. Examiner.

MR. LYONS: Is it 6-24-63?

MR. LEINER: Yes, sir.

TRIAL EXAMINER: That's the date of the card. This first conversation then you say you were entitled to a raise,as I understand it, six months after you were first employed, is that right?

THE WITNESS: When I was hired, I started out at the salary of $2.50 an hour to start, and that after a 90-day period, between 90 days and a six-month period there would be a 10-cent increase at that time.

TRIAL EXAMINER: That was your first conversation.

THE WITNESS: Right.

TRIAL EXAMINER: Ninety days after October, 1962?

THE WITNESS: October '62 I was hired.

Q (By Mr. Leiner) What were these conversations with Mr. Hoffman -- withdrawn.

When was your last conversation with Mr. Hoffman regarding the union?

A When I had the run-in with him because of the fact of he claimed I was making noise and yet we were working in a working area and because his office was within a working area he was complaining of the fact that I was

making noise and how -- I couldn't see how I could possibly close up a wooden crate or any other type of container without making noise.

Q What did you say to him and what did he say to you at that time?

A He called me in and gave me a reprimand through the supervisor.

Q Through what supervisor?

A Through John Donohue and Jack Burke.

Q Were they there when he spoke to you -- when Mr. Hoffman spoke to you was Mr. Burke and was Mr. Donohue there?

A Yes. Because he had already originated a letter and had them signing it prior to the presentation to me.

Q I see. What did you say to Mr. Hoffman and what did he say to you with regard to the union?

MR. LYONS: Can I have the time fixed, please?

Q (By Mr. Leiner) When was this, during the year when was this, and what year?

A It was in '64. The exact month I would have to look at a piece of paper, I have a copy home; if I had known, I would have brought it with me.

Q You were discharged on March 3rd.

Can you fix a date as to when this conversation with Mr. Hoffman was, with that as a reference point?

A I would say it was a couple months prior to my discharge. It would be around, say, January or somewhere in that time.

Q Of 1964?

A Right.

Q Would you tell the Trial Examiner what you said to Mr. Hoffman and what he said to you?

A In plain English I said it was a pretty crappy outfit and that's why they should have a union for things like this.

Q Did you tell him that you had taken any steps with regard to a union?

MR. LYONS: Objected to as leading and suggestive.

TRIAL EXAMINER: Would you read the witness's last answer, please?

(Answer read)

TRIAL EXAMINER: Mr. Leiner--

MR. LEINER: I will withdraw the question.

Q (By Mr. Leiner) What else did you say to Mr. Hoffman at that time?

MR. LYONS: I object to any further conversation except that already testified to.

TRIAL EXAMINER: No, I will permit an answer. I know the answer has been suggested.

MR. LYONS: May I recall that I went into this very thoroughly yesterday?

TRIAL EXAMINER: Yes, you did. The only thing --

MR. LEINER: I will withdraw the question.

Q (By Mr. Leiner) What did Mr. Hoffman say to you, if you can recall? When you said that this was a pretty crappy place and whatever your answer was at that point, whatdid he say to you at that point?

MR. LYONS: I object to this as already been suggested by the previous question.

TRIAL EXAMINER: I will let it in. I will give it the weight I consider it worth.

Q (By Mr. Leiner) Would you answer, please?

A He said, "This is a pretty nice outfit. Why do you want to have a union in here?"

I says, "For things like what's going on now."

MR. LEINER: I now offer in evidence General Counsel's Exhibit 9 for identification.

TRIAL EXAMINER: Yes, I will receive it over objection of counsel for respondent.

(General Counsel's Exhibit 9 for identification was received in evidence.)

TRIAL EXAMINER: Mr. Leiner, I will again like to remind you that this question of asking leading questions on very crucial points in the conversation, it is a most dangerous thing to do and I will tell you why. I don't consider as being of any value, and I am sure no appellate body does consider it of any value, when a lawyer testifies

in the guise of a leading question. It is unfair to the witness, it is unfair to yourself, it is unfair to me.

MR. LEINER: May I make a reply on this point?

TRIAL EXAMINER: Yes, you may.

MR. LEINER: I withdrew the question --

TRIAL EXAMINER: After you had --

MR. LEINER: No, then I asked an entirely different question. If you just inspect the record, Mr. Examiner, you will see that I withdrew the question and I asked an entirely new question.

TRIAL EXAMINER: I am not going to debate the point.

MR. LYONS: May I suggest there be one addition to the Trial Examiner's remarks,that I think it is unfair to respondent--

TRIAL EXAMINER: Which I neglected to say.

Q (By Mr. Leiner) Mr. Svandrlik, would you tell the Trial Examiner what transpired on March 3, 1964?

A Myself and Carl Giovanniello was called into the boiler room, which was the conference room in the Government stores section, after the other people in the section had been called in, and informed of the raises that they were getting.

At this time we were told that due to the fact that we were being upgraded to a Class A packer and that the powers to be up in the front office had not come up

with a regional type scale for our particular class of packaging, that we would be informed at a later time of the salary we were receiving inasmuch as we were getting this promotion.

Q Who told you this?

A This was by -- informed by Mr. Donohue and John Burke, who was our immediate lead man and the packaging specialist.

Q Did you thereafter leave this office, after he told you about this?

A No, I was asked to remain and in the boiler room with John Donohue and Burke.

Q Did you have a conversation with them?

A Yes.

Q Would you tell the Trial Examiner what that was?

A They said there was -- they told me that I was being considered to take John Burke's position in the near future inasmuch as he was moving up to another slot in a higher position.

Q What did you say?

A I said, well, I thanked him very much and I said I hope that this materializes, and more so than the raise I was promised a long time back.

Q Thereafter on that day what happened?

A My services were terminated.

Q Did you ask him why?

A He didn't give me an answer because he didn't know.

MR. LYONS: I object and move it be stricken out.

TRIAL EXAMINER: The part that he didn't know may be stricken.

THE WITNESS: That's what the man told me.

Q (By Mr. Leiner) Then what happened?

A Then they gave us our severance and our pay and that was it.

MR. LEINER: No further questions.

TRIAL EXAMINER: Did Robinnette tell you at that time that he didn't know why you were being terminated?

THE WITNESS: That is correct, sir.

TRIAL EXAMINER: Mr. Rubenstein?

Q (By Mr. Rubenstein) Mr. Svandrlik, you testified before that you had these three conversations with Mr. Hoffman in which the union was mentioned.

I do not recollect whether you gave the dates of those conversations. Can you tell us?

A Offhand I couldn't give you the actual dates.

Q Can you give us the approximate dates in months and so on? I think you said that, if I am correct, that the first one was about three or four months after you were hired, is that correct?

A After the probationary period, yes.

A At that time I said -- it was explained to me when I first came here that I should have gotten a raise after a period of time. I said maybe that's why they should have a union here. If they don't live up to what they tell you basically when you come in as a hire and so forth, that with no union I guess we have no voice here and it just goes on.

Q (By Mr. Rubenstein) Do you know whether this was --

MR. LYONS: Wait a minute. May I have just a moment? This is a conversation in 1963, early?

TRIAL EXAMINER: Yes, this is, according to my notes, it was the last time, about January of 1964.

MR. LYONS: I think this was the first conversation.

TRIAL EXAMINER: A conversation with Mr. Hoffman regarding the union. The last time was about January of 1964. Mr. Svandrlik was reprimanded for making too much noise, for one thing, and then something said by him which he just repeated about maybe that's why they need a union in here, to which Hoffman is supposed to have replied "this is a good place to work, I don't see why you need a union."

That is according to my notes.

MR. LYONS: That's the conversation in early 1964?

TRIAL EXAMINER: That's as I have it.

MR. RUBENSTEIN: I think you are referring to the second

Hoffman took place about the union?

A Sometime during the summer months when we were working, again, on -- periodically we would bring these large engine containers and different things closer to the so-called office, which was still in the working area, and you have to use an air gun and naturally it is not a quiet thing and he would complain about that, and naturally you are trying to do your job and you can't do your job if they keep telling you to knock off the noise. It's impossible.

Q So what was your remark about the union that you testified to before? What did you tell him?

A I made several statements. In fact, he should be out of here. Maybe if they had a union they could segregate this area where office and working areas were not in the same area.

Q Was anyone else there except Mr. Hoffman when you made the remark?

MR. LYONS: May I inquire about this second meeting? I understand it was in the summer of 1963?

TRIAL EXAMINER: That is my understanding.

Q (By Mr. Rubenstein) To make it more specific, was that after you signed your card already, or before?

A That was after I had signed the card, and I informed him, I said I have taken steps maybe to get a union here

by signing a card.

Q You told that to Mr. Hoffman?

A Yes.

Q Was there anyone else present at that time?

A Well, everybody was in earshot there because it was a confined area. All the office personnel and the warehouse people.

Q At that time did Mr. Hoffman say anything to you when you told him that a union would solve these problems and you have taken steps to that?

A Not at that time.

Q And the third time I think you have testified was when?

A In the first part of '64 when he called me in the office about the reprimand. And that's when I informed him about that. He said, "This is a nice place to work." I said, "It can't be, not when you have these conditions."

Q Was it at that time -- can you give us the exact conversation of that -- exactly what Mr. Hoffman said to you?

MR. LYONS: I think we have already had that, Mr. Examiner.

MR. RUBENSTEIN: I withdraw that question.

Q (By Mr. Rubenstein) You mentioned something about noise. What was the reference to noise?

A The noise was in the performance of my duties. As a

packer, whether it was a wooden container or a metal container, it's the same, if you are having a hearing here now you couldn't expect a man to be out there hanging the door and getting the meeting accomplished and still get the door put up. You can either do one or the other.

We were told to get our job done and we were trying.

MR. RUBENSTEIN: That is all.

MR. LYONS: Your Honor, in view of the fact that there will be a lengthy cross-examination of this witness, may I request that we suspend at this time?

TRIAL EXAMINER: Let's see if we can't finish this witness this afternoon. We are going so very slow.

MR. LYONS: All right, your Honor.

MR. RUBENSTEIN: May we break for a few minutes, Mr. Examiner, to call our offices?

MR. LYONS: I would prefer to go on with the witness and finish without a break.

MR. LEINER: I join in that, Mr. Examiner.

CROSS EXAMINATION

Q (By Mr. Lyons) Mr. Svandrlik, you say you signed a union card 6-24-63, is that correct?

A That's correct.

Q How long had the union UAW, been attempting to organize at Gyrodyne before you signed the card?

A I'd say about six months, somewhere in that time.

Q Did you sign a statement concerning your testimony here today for a representative of the Labor Board?

A Yes, I did; last summer.

MR. LYONS: May I have that statement, sir?

MR. LEINER: Gladly.

May the record show, Mr. Examiner, that General Counsel herewith hands to counsel for the respondent, Mr. Lyons, statements in General Counsel's possession of Stanley Svandrlik.

Q (By Mr. Lyons) You say that in June of 1963, before you signed a card, that the union had been organizing at Gyrodyne for about six months, is that right?

A Approximately.

Q And early in the time that they were organizing there, your probationary period was terminated and you started to have a conversation concerning an increase, is that right?

MR. LEINER: Objection. There are two or three questions in there and I don't know exactly which one he wants answered.

TRIAL EXAMINER: Did you understand the question?

THE WITNESS: Yes, I did.

TRIAL EXAMINER: Will you answer it, please?

THE WITNESS: Do you want me to break it down in segments?

MR. LEINER: Could you repeat the question, please? I didn't understand it.

(Question read)

A My probationary period was terminated, and increases were mentioned, which I did not receive. And also in reference to the union organization or organizing due to the fact of the gate to which I was going in, in the morning, there was nobody at the gate handing out any brochures.

Q Did you have any conversation or did you see any leaflets that had been given out at the time of the organization drive beginning in January, '63?

A Yes, I did.

Q Now, early in 1963 when you had this first conversation with Mr. Hoffman, you initiated the conversation concerning the union, didn't you?

A Yes, I did.

Q You said to him that, if I quote you correctly, that since you were not getting a raise, that the union would be a good thing; is that right?

A That's correct.

Q And that was early in '63 before you signed a union card?

A Right.

Q And did you let your feelings be known at that time

with other people besides Hoffman concerning your interest in the union?

A Yes, I did.

Q And did you speak freely throughout the plant?

A Not throughout the plant. In more or less our area.

Q You were outspoken about it in early 1963, is that correct?

MR. LEINER: He is characterizing the witness's testimony and I object to it.

TRIAL EXAMINER: He isn't any such thing. He is outspoken in his remarks about the union.

MR. LEINER: The witness just clarified what that meant and he came back with the question --

TRIAL EXAMINER: Don't argue with me, please. Let's go ahead.

Q (By Mr. Lyons) There came a time in June 1963 that you signed a union card, is that right?

A That's correct.

Q And you had a second conversation with Mr. Hoffman, is that right?

A I had.

Q And at that time did you initiate the conversation concerning the union?

A Yes, I did.

Q Now, at the first conversation that you had with Mr.

Hoffman, you testified that Mr. Hoffman made no remarks concerning your status in the union or anything else, is that right?

A That's right.

Q And your second conversation which you said you had in the summer of 1963, you stated that you were taking steps to get a union in, is that right?

A Yes.

Q And you said that you had signed a card to that effect, is that correct?

A That's correct.

Q And at that time Mr. Hoffman made no remarks concerning your activities in behalf of the union, is that right?

A That's correct.

Q Prior to the time that you signed the union card did you have any discussion with anybody concerning Mr. Hoffman and the noise that you were making in the plant?

A Yes.

Q When was that?

A Several times.

Q Tell us about the first time.

A Well, this had been going on some time. I don't know whether he was picking me out as an individual or not, but it seemed in the performance of my job regardless of how minor or major the noise was, he seemed to make an issue

with other people besides Hoffman concerning your interest in the union?

A Yes, I did.

Q And did you speak freely throughout the plant?

A Not throughout the plant. In more or less our area.

Q You were outspoken about it in early 1963, is that correct?

MR. LEINER: He is characterizing the witness's testimony and I object to it.

TRIAL EXAMINER: He isn't any such thing. He is outspoken in his remarks about the union.

MR. LEINER: The witness just clarified what that meant and he came back with the question --

TRIAL EXAMINER: Don't argue with me, please. Let's go ahead.

Q (By Mr. Lyons) There came a time in June 1963 that you signed a union card, is that right?

A That's correct.

Q And you had a second conversation with Mr. Hoffman, is that right?

A I had.

Q And at that time did you initiate the conversation concerning the union?

A Yes, I did.

Q Now, at the first conversation that you had with Mr.

Hoffman, you testified that Mr. Hoffman made no remarks concerning your status in the union or anything else, is that right?

A That's right.

Q And your second conversation which you said you had in the summer of 1963, you stated that you were taking steps to get a union in, is that right?

A Yes.

Q And you said that you had signed a card to that effect, is that correct?

A That's correct.

Q And at that time Mr. Hoffman made no remarks concerning your activities in behalf of the union, is that right?

A That's correct.

Q Prior to the time that you signed the union card did you have any discussion with anybody concerning Mr. Hoffman and the noise that you were making in the plant?

A Yes.

Q When was that?

A Several times.

Q Tell us about the first time.

A Well, this had been going on some time. I don't know whether he was picking me out as an individual or not, but it seemed in the performance of my job regardless of how minor or major the noise was, he seemed to make an issue

out of it.

Q Isn't it a fact that you were continually making a noise and were being continually reprimanded by different supervisors and people in the surrounding area?

A Only through Mr. Hoffman.

Q Did you make a statement that early in -- in June of 1963, that you would break Mr. Hoffman's balls?

A That's the way he put it in there. I said "don't break mine."

Q Did you make that statement?

A I did.

MR. LEINER: I object, Mr. Examiner, that the witness said that he made a statement different from that in the question asked by Mr. Lyons, and that after the witness testified as to the different statements, Mr. Lyons repeated the same statement again. And, therefore, it is a misconstruction of what the answer was.

TRIAL EXAMINER: Go ahead.

Q (By Mr. Lyons) Now, Mr. Svandrlik, you testify here that you did state that you would break Mr. Hoffman's balls, is that right?

MR. LEINER: He did not.

A I did not.

Q (By Mr. Lyons) Did you sign an acknowledgement of a statement or a written reprimand that was received by you?

A I did.

Q And was that June 21, 1963?

A I imagine so, if you have it there.

Q May I ask you, sir, that was before you signed the card in June 24, 1963, is that right?

MR. LEINER: I object. The witness has no idea of knowing what the exact date is. The document speaks for itself.

TRIAL EXAMINER: Will you allow this cross-examination to proceed in an orderly way without testifying yourself and indicating to the witness what answers he should give? Now, please stop it.

A By the same token, I don't know exactly the dates on those, now, as I said before. That's been some time ago.

Q Well, would you tell me whether you made the statement that you would break -- wait a minute -- whether you signed an acknowledgement of a written reprimand before you signed the union card?

A That I cannot make a statement, because I'm not familiar with the dates at this time.

Q Around the time that you signed the union card or after you signed it, that's the time you had this second conversation in which you stated that you were taking steps to get the union in there, is that right?

A That's correct.

Q And that was the time after you had received several verbal reprimands, is that correct?

A That's correct.

Q And by verbal I mean someone spoke to you about the fact that you were making a lot of noise around the place, is that right?

A In the performance of work.

Q After you received these verbal reprimands, you received a written reprimand, is that right?

A That's correct.

Q And after this 1963 summer statement that you had with Mr. Hoffman, you still continued to speak about the union in the shop, is that correct?

A That's correct.

Q And you told other people concerning your activities, is that right?

A That's correct.

Q Did you solicit them for membership in the union?

A I didn't solicit no membership.

Q You spoke about the union?

A I brought it up in the course of conversation, yes, but I did not solicit any membership.

Q And then came 1964 and you had another conversation with Mr. Hoffman, is that right?

A That is correct.

Q And did that concern noise that you were making in the department?

A Right.

Q And was that similar to the noise that you had been making for the period prior to June of 1963?

A Right.

Q At the time that you had this third conversation with Mr. Hoffman, can you tell me whether you initiated the conversation about the union?

A Yes, I brought up the fact that maybe there should be a union here.

Q This was the third time that you initiated a conversation with Mr. Hoffman, is that right?

A That's correct.

Q And this is the first time that he ever came back to you and said that"this is a nice place, why do we need a union," is that right?

A That's correct.

Q And how many days do you say this was before you were discharged?

A I would say it's a couple months. From recollection, from that time.

Q And this was after the third time you had the conversation,you say a couple months elapsed between that time and the time you were discharged, is that right?

A That's correct.

Q Did you ever have any other conversations with them about the fact you were being considered for a promotion?

A Yes. The fact of the upgrading to the Class A packer.

Q When was that?

A On the same day.

Q Did you ever have any other conversation with them?

A We have in the past, yes. I was being considered for an upgrading.

Q When was that?

A Sometime in the latter part of the year. The first part of '64 and the latter part of '63. In the Christmas period there.

Q Well, did you ever state that a few days before you were discharged"Mr. John Donohue and Mr. Jack Burke told me I was being considered for a promotion in the packaging section"?

A Yes.

Q Then this conversation did take place several days before you were discharged, isn't that right?

A Yes.

Q It wasn't the day you were discharged?

A No. Then they also brought it up to the fact on the increase of salary was prior to the day of discharge.

MR. LYONS: No further questions.

MR. LEINER: I have a few questions, Mr. Examiner.

REDIRECT EXAMINATION

Q (By Mr. Leiner) Mr. Svandrlik, when did you first hear from Mr. Burke and Mr. Donohue that you were being considered for promotion?

A I believe it was the Friday before I was laid off.

Q And that was the first you heard of it?

A Right. They just were talking to me about it,that I was being considered and so forth. And then, was it Monday or Tuesday -- it was Tuesday because that Tuesday we got laid off, I believe, the 2nd of March.

MR. LYONS: I have the same objection, your Honor, to this conversation.

Q (By Mr. Leiner) When was the next time you heard of it?

A When he told me they still hadn't come up with any salary as far as hourly wages, and that the other people had been informed of what their scale was going to be and that Carl and myself were still pending the hourly rate.

Q Now, Mr. Svandrlik, when you received the reprimands that you testified to when Mr. Lyons spoke to you, I am not clear as to who actually spoke to you about your conduct. Who was it? Was it Mr. Hoffman?

A Mr. Hoffman.

Q Did Mr. Burke ever speak to you about your conduct?

A Yes.

Q Was that in Mr. Hoffman's presence?

A Through Mr. Hoffman.

Q Well, will you tell the Trial Examiner the mechanics by which you were reprimanded?

A Well, when the incident occurred in question, Jack Burke would be called into the office. The next thing, he would come out and he would get me aside and say that Mr. Hoffman is unhappy with the noise going on out here.

I asked him,"How do you expect me to get the job done".

Q Then what would happen?

A I would go back to work.

Q Was that the end of the reprimand?

A Yes, sir.

Q Did this happen on more than one occasion?

A Numerous times.

Q Is what you just described the extent of the reprimand?

A That's it.

MR. LEINER: Thank you. No further questions.

May I have a moment, Mr. Examiner?

TRIAL EXAMINER: Yes.

MR. RUBENSTEIN: I would like to ask one question, Mr. Examiner.

TRIAL EXAMINER: Go ahead.

Q (By Mr. Rubenstein) I think you testified before on cross-examination that you were told before March 3rd that

you were being considered for promotion.

Were you on March 3rd told that you were promoted?

A No. We were being considered.

Q Being considered?

A Being considered.

Q How did the question about wages come up?

A The wages were due to the fact that the other people in the department there had already been notified of the fact that each one was getting a specific amount of money as an increase, and that Carl and myself had not been evaluated properly as far as the scale, and that we would be notified as soon as possible.

Q The scale was the promotion, is that it?

A Right.

Q (By Mr. Leiner) Were you told or were you not told that you were promoted to Class A packers?

A We were being upped to Class A packers. We haven't actually received any promotions.

Q (By Mr. Rubenstein) Is it right--

TRIAL EXAMINER: One counsel at a time, please.

Q (By Mr. Rubenstein) Is it right that you were promoted on the 3rd but you were not given the raise? Is that it?

A No. We were told that we were being promoted.

Q You were told that you were being promoted?

A We never received anything.

I shall give you a copy of the subpoena, which will make it, I think, evident to you that we are entitled to the petition and at this time I do not wish to take any of your time. I am giving you the subpoena and the rider attached to it.

TRIAL EXAMINER: I take it that the respondent through counsel has been served with a copy of your petition to revoke this subpoena, Mr. Rubenstein?

MR. RUBENSTEIN: Yes, we have an admission of service on it.

MR. LYONS: I admit service this morning, Mr. Examiner.

TRIAL EXAMINER: Very well.

Pursuant to Section 102.31 of the rules and regulations of the National Labor Relations Board, Series 8, as Amended, it devolves upon me as Trial Examiner at the hearing to rule on the petition to revoke a certain subpoena duces tecum issued by Gerald A. Brown, member in Brooklyn, New York, on May 13, 1965, being subpoena No. B-50261 requiring the production by the charging party, UAW, of detailed records of that union.

Now, upon examination of the subpoena and the petition to revoke the subpoena, it is ordered that the petition to revoke the said subpoena be and it hereby is granted on the grounds that the production of those documents do not appear to relate to any matter under investigation

or having to do with these proceedings, and, furthermore, it would, if produced, be irrelevant to any of the issues raised by the complaint and the answer.

So ordered.

MR. CURLEY: May I be heard on that, Mr. Trial Examiner?

TRIAL EXAMINER: If you care to, yes.

MR. CURLEY: I must except to your order revoking the subpoena for the following reasons:

If you will note, the rider to the subpoena requests information with regard to financial expenditures made by the union during the course of its organizing activity at the Gyrodyne plant.

Now, surely, any expenditures which were made and went for the purpose of -- made to and went for the purpose of producing witnesses, perhaps some of the witness may have an interest in the proceeding as a result of being the beneficiaries of such expenditures or disbursements by the UAW; this would go directly to the interest and would be especially valuable to the respondent and helpful and,needless to say, necessary on cross-examination of these witnesses, and I think it extremely important that you reconsider your ruling and grant the -- and order production of the material relating to financial disbursements made by the UAW

MR. CURLEY: The petition to revoke the subpoena is entered at the request of Mr. Rubenstein. I think it should be a charging party's exhibit.

TRIAL EXAMINER: I don't think it makes much difference. I prefer to have it together as one exhibit.

MR. CURLEY: Mr. Trial Examiner, I now make an offer to the General Counsel to meet with him informally off the record in an effort to discuss a possible stipulation regarding the production of the material requested in a subpoena previously served on the respondent.

TRIAL EXAMINER: Do you want to take that time now?

MR. CURLEY: Yes, I think it an opportune moment.

TRIAL EXAMINER: How much time do you want?

MR. CURLEY: It would depend on how far we got along.

TRIAL EXAMINER: Do you have a witness available, Mr. Leiner?

MR. LEINER: Yes, I was about to call Mr. Aylward.

TRIAL EXAMINER: I think counsel should confer outside the hours of hearing. They are short enough. We are making no progress. I don't propose to spend the summer and the following winter on this case.

Call your witess, Mr. Leiner, please.

MR. LEINER: General Counsel calls William Aylward, Jr.

WILLIAM J. AYLWARD, Jr.,

a witness called by and on behalf of the General Counsel,

being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your hama for the record, sir?

A William J. Aylward, Jr.

Q Will you spell your last name, please?

A A-y-l-w-a-r-d.

Q Where do you reside, Mr. Aylward?

A In the Huntington, Long Island, New York, vicinity.

Q Where do you reside, Mr. Aylward?

A I just gave counsel the answer.

Q I want your address.

A It's 59 Van Buren Drive, Centerport, Long Island.

Q Mr. Aylward, are you currently employed?

A I am.

Q By whom are you employed?

A By the Gyrodyne Company of America, Inc.

Q What is your position with the Gyrodyne Company?

A Assistant personnel director.

Q Who is the personnel director?

A I have no knowledge.

Q Did you say you were the assistant personnel director?

A You heard my statement correctly.

Q Your voice is pretty low. Did you say you were the assistant personnel director?

the third column. The third name, Joseph D'Amato is also a Blade Department employee. We have the names of other lead men by the name of Robert Southworth and Don Karmel in the Blade Department.

These are all Blade Department employees.

TRIAL EXAMINER: If the company refuses to produce the records, I will draw my own conclusions. I will draw my own inferences from teh refusal. You know the law,or should. All you have to say is without a lot of argument, that you refuse to produce the record --

MR. CURLEY: I am not refusing.

TRIAL EXAMINER: Don't equivocate.

MR. CURLEY: My position is completely opposite that. We will produce anything that's been subpoenaed. However, if all of a sudden out of the thin blue air, a request is made that we produce records which would take a long time to assemble and which were not subpoenaed, that we cannot do as of this minute.

TRIAL EXAMINER: Will youplease tell me whether or not you will produce the payroll records called for in Item 1 of the subpoena? Will you produce them or not?

MR. CURLEY: To the extent you --

TRIAL EXAMINER: Will you produce them or not?

MR. CURLEY: I think, Mr. Trial Examiner, I am not going to handle --

the best method would be that the Navy -- the Bureau of Naval Weapons be subpoenaed there. I would like to reserve on the consent of that. We have certain records available, but I am not -- I have not come to a definitive decision as to whether those will be supplied.

MR. RUBENSTEIN: Mr. Examiner, may I be heard on that for a second?

TRIAL EXAMINER: Yes.

MR. RUBENSTEIN: This is very limited. It refers only to the services in the packaging department, packaging inspection services.

I don't think it contains any classified material. If there was a complaint from the Navy Department, this is what it refers to.

MR. LYONS: I am interested also, Mr. Trial Examiner, as to the best evidence. There are several questions I want to consider and have been considering as to whether I will produce anything under Paragraph 10.

TRIAL EXAMINER: All right.

Now, Mr. Leiner, you have been advised as to the position of counsel for the respondent.

MR. LEINER: Yes, sir. Thank you.

Q (By Mr. Leiner) Mr. Aylward, when an employee is employed by the company for more than 90 days, is he automatically given a pay raise thereafter?

A Not automatically.

Q Is his work evaluated by supervisors,and if he is found competent is he then given a pay raise?

A If his work -- his work is evaluated. At the conclusion of 90 days. That has nothing whatsoever to do with an increase of pay.

To emphasize this point, we have a new employee at the point of hire sign a statement that he accepts the conditions under which the review will take place, and he gets a copy of the form.

Subsequently, at the end of 90 days, a form is completed by the department supervision within which the employee is employed.

As a consequence of that rating, which is a performance rating, the performance of the employee is discussed with the employee. He has an opportunity of looking at it, signing it and indicating whether he accepts the rating or not.

It is then passed along to the personnel department.

As a consequence of all this action, he may be considered for an adjustment at that time.

Q So that merely because he is competent doesn't mean that he is getting -- that he is going to get a pay raise?

MR. CURLEY: I object to that, Mr. Examiner. I think the witness's statement speaks for itself.

TRIAL EXAMINER: I don't know why we have to -- can't we go along -- let's try for 15 minutes without unnecessary comment, conclusions. You had a full answer from the witness. I don't understand why it's necessary that all this comment be made.

MR. LEINER: May I continue, Mr. Examiner?

TRIAL EXAMINER: Yes.

Q (By Mr. Leiner) Mr. Aylward, when you said that the employee's work is evaluated, is the employee's lead man's opinion of his work solicited by higher supervision?

MR. CURLEY: I object to that, Mr. Examiner.

TRIAL EXAMINER: You may answer.

Is the lead man consulted?

A As long as we recognize that the lead man is not a supervisor --

MR. RUBENSTEIN: Mr. Examiner--

THE WITNESS: He gave me a loaded question and I refuse to answer it.

MR. RUBENSTEIN: Mr. Examiner, I ask again that the witness be admonished to answer questions and not make speeches which are irresponsive to the question.

TRIAL EXAMINER: I didn't quite understand your answer, Mr. Aylward. In connection with this evaluation at the end of the probationary period, is the lead man usually consulted regarding his opinion of the man's work?

THE WITNESS: He certainly would be.He is a cognizant individual. He knows of the technical capability of the individual performing a manual or production function.

Q In the period January 1, 1963, through June 30, 1964, would you tell the Trial Examiner how many plantwide or companywide raises in pay were granted by Gyrodyne to all of its employes, if any?

MR. CURLEY: I object.

TRIAL EXAMINER: I will take it as a preliminary question.

Were there general increases given during this period of time?

THE WITNESS: We have never granted a general increase in the history of the company.

Q (By Mr. Leiner) Would you tell the Trial Examiner, please, when during that period the company granted a departmentwide or classificationwide pay increase?

MR. CURLEY: Mr. Trial Examiner, I must object. This is complete fishing.

TRIAL EXAMINER: Can you answer that question?

A We have never granted pay increases such as you have described.

MR. LEINER: No further questions.

Of course, General Counsel respectfully requests the Trial Examiner's permission to recall the witness

if there is any question of cooperation to be expected between both sides, I don't think that remarks such as that are conducive of the respect that your Honor referred to yesterday in connection with Canon 15 of the Canon of Ethics.

MR. RUBENSTEIN: Mr. Examiner, I am not going to argue with counsel. The records are full and they will state -- it will show for itself.

I feel, however, Mr. Examiner, that the blue card will be of no use, especially in view of what you read from it. I feel and I think that the entire record will help us to prove that these people were improperly discharged and I request that the record be given to me so that I can examine on it.

TRIAL EXAMINER: All right. You make your request again and we will see what happens. If it's denied, then of course you will have to, if you want to enforce it, you will have to go before the United States District Court.

I made my suggestion just in the hope that we could get forward in connection with this case. I am not imposing my views on anyone in that regard. I don't attempt to and I refuse to do it.

MR. LEINER: On the other hand, the General Counsel respectfully requests the Trial Examiner to draw the

necessary lawful inferences from the failure to produce pursuant to the lawful subpoena.

TRIAL EXAMINER: That you may be sure I will do.

MR. RUBENSTEIN: Pursuant to the suggestion of the Trial Examiner, I again ask the witness to give me the personnel file of Ernesto A. Petito.

18

MR. LEINER: I withdraw the question.

Q You said, I believe, that Mr. Morel worked in several of the departments of the Blade Shop during the period January 1, '64 through June 30, 1964.

A I indicated that it would be plausible to believe that he did,yes.

Q But you don't know whether he did or not?

A No, I wouldn't.

Q Now, in working in the Blade Shop, regardless of the department, Mr. Aylward, did Mr.Morel on a daily basis distribute the work to the employees in his area?

MR. CURLEY: Mr.Trial Examiner, you ruled yesterday that you would not take any testimony concerning the supervisory status of any person not mentioned in the complaint or the order amending the complaint.

We have relied on this. I would now ask that you rule this question irrelevant.

MR. LEINER: I would ask the Trial Examiner in that case, if such a ruling is made, to take it subject to connection, Mr. Examiner, because I shall be going into each and every person named in the first column of the rider of General Counsel's subpoena which has been served on Mr. Aylward plus seven or eight which appear in the second column.

TRIAL EXAMINER: It is quite obvious you can't

prove a whole case through one witness, a case of this type.

My ruling yesterday was to the effect that I would allow alleged 8 (a) (3)'s to testify regarding their employment and I also would take testimony concerning the duties and responsibilities of that man's supervisor or supervisors as he understood them in the absence of any direct testimony from a person such as Mr. Aylward who would be presumed to know what the exact duties of the supervisor was. That was my ruling in that connection.

I said further that insofar as this proceeding is concerned, I would regard the issues drawn by the complaint and by the answer as amended in the amended answer and so on, whatever the pleadings are, that I would not consider evidence of unfair labor practices against any supervisor not named within the pleadings.

That was the extent of my ruling. And that was it and I reiterated it again this morning. I don't see why I should have to repeat it. That's what I meant and that's what I said, I believe.

MR. LEINER: Therefore, may I proceed, sir?

TRIAL EXAMINER: Yes.

MR. LEINER: Would you read back the last question?

(Question read.)

A I have not been there when he has done so.

Q Do you know if he did?

TRIAL EXAMINER: Let me ask you this question, if I may:

Was there an established seniority system, either departmental or plantwide, in effect at this plant of the company in June of 1964?

THE WITNESS: There was not, Mr. Trial Examiner.

TRIAL EXAMINER: Let me call your attention, Mr. Leiner, to your Exhibit No. 3, page 20, which sets forth employment status, three different kinds, and that's the nearest thing I can find in the employee manual which has anything to do with seniority.

MR. LEINER: May I be helpful and show you the explicit provisions thereof?

TRIAL EXAMINER: I wish you would.

MR. LEINER: Be delighted to.

TRIAL EXAMINER: I just read that to you.

MR. LEINER: Mr. Examiner, I believe there is a question before the witness that remains unanswered.

TRIAL EXAMINER: Would you read the pending question, please?

(Question read)

THE WITNESS: May I have the answer I gave read back to me, please?

TRIAL EXAMINER: Do you know what the question is?

THE WITNESS: I do, Mr. Examiner.

place on the 19th and 29th of June?

A There was no new employes hired since the lay-off dates in the classifications occupied previously by the laid-off employes.

Q And you said that there were no -- excuse me -- did you testify that there were no employes of Gyrodyne who were transferred into those jobs from other jobs in the company in the month of June, after June 19th, to take their places?

A I testified, as I recall, that I either could not answer that because of lack of knowledge or recall of the records.

Q Would you produce the records of the company with regard to transfers, please, of any employes who worked in those -- who were transferred into those job classifications?

A Yes, I think I can do that.

THE WITNESS: May I have a brief moment, Mr. Examiner?

TRIAL EXAMINER: Yes.

(Short pause)

Q (By Mr. Leiner) To your knowledge, Mr. Aylward, do you know that employes Roman, Galvani and Spicer were expediter-drivers of the respondent under the supervision of Mr. Alfieri?

A I do know that.

Q And do you know that the other drivers -- that the

to General Counsel's Exhibit 11 which is now in evidence.

On page 3, the third line from the top referring to Ernest A. Petito, says, Discharged, unsatisfactory work performance.

TRIAL EXAMINER: That's a company record. You have it before you.

MR. RUBENSTEIN: This is not a company record. This is an answer given to the General Counsel which the General Counsel offered in evidence. It can only-

TRIAL EXAMINER: It is compiled from company records. I am not going to split hairs with you. That's information furnished to the General Counsel by the company, compiled from official records. That is the information there. If you think it is false and if you have any way to attack it, go ahead and do it. Don't tell me that that --

MR. RUBENSTEIN: The only way to attack it,from their records.

TRIAL EXAMINER: You are wasting time. You are getting no where. You know what the situation is.

Do you care to go ahead now or not? If you don't, then please resume your seat and we will turn the witness over to the other side.

MR. RUBENSTEIN: I will ask your Honor now to adjourn these hearings because I am going to appeal from your -- from this ruling of yours that this statement is

9

the evidence and that I cannot ask the company --

TRIAL EXAMINER: I made no such statement and I deny it. You know I made no such statement and you better deny it, too.

MR. RUBENSTEIN: The respondent's attorney has been relying on your statement constantly.

TRIAL EXAMINER: I told you that you had before you a company record in the form of information transmitted to the General Counsel at his request by an official representative of the company. That that record, that General Counsel's Exhibit 11 before you, I understand is compiled from the official records of the company, including the words "unsatisfactory work" or whatever it is on there that pertains to Petito and you file a special appeal, you go right ahead and file it but don't you dare misquote me the way you just did. Don't you dare do it. Don't you do it. Don't you misquote me.

MR. RUBENSTEIN: I don't see how we can proceed trying a case when your ruling is that this is evidence and that --

TRIAL EXAMINER: I made no such ruling.

Can you get that through your head? I didn't make any such ruling.

You proceed with the examination of this witness or resume your seat and be quiet, one of the two.

MR. LEINER: Mr.Examiner, since the cards were offered to General Counsel as well as the charging party, I would like to make a short statement with regard to the use of the cards or their failure to be used so that General Counsel's position may be known with regard to the card.

May I do so, sir?

TRIAL EXAMINER: Yes.

MR. LEINER: I respectfully submit to the Trial Examiner on the assumption that only the cards will be offered for all of these 8 (a) (3)'s discriminatees, alleged discriminatees, that -- I most respectfully submit that cross-examination of the witness -- of any witness under Rule 43(b) would be hampered to such a degree without having these raw files that it would be impossible to cross-examine within the meaning of the Board's rules and for that matter, the court rules.

However, notwithstanding the position of General Counsel that even under the best of circumstances, to use a self-serving document like that blue card as the only basis of company records to cross-examine the witness in this case with this witness and with this record, I think it would be even more so and I am -- and impossible and a futile job on the part of the General Counsel to use these self-serving blue cards without any basis, further basis from the respondent's records to test these blue

cards which are only self-serving and therefore General Counsel respectfully declines any examination, any further examination of this witness onsuch an answer by the respondent to the subpoena.

Thank you, Mr. Examiner.

TRIAL EXAMINER: Well, you don't have to respectfully decline if you are addressing me. I simply offered you the option without prejudice to examine from that portion of the record, at your option.

MR. LEINER: Thank you.

TRIAL EXAMINER: You have a subpoena enforcement problem that Congress in its wisdom has placed the enforcement power of the subpoena before the United States District Court and not before me. And I have just about decided that there is no point in my trying to be helpful, make helpful suggestions.

Counsel pays no attention to it.

MR. LEINER: General Counsel is going forward -

TRIAL EXAMINER: From hereonout, I want counsel to adhere strictly to a strict procedure, to abide by my rulings as made and we will attempt to make some progress in this case.

I want to hear no more on these records with respect to the refusal of the respondent to produce them in full. Nor do I want to hear anything more about the offer

of respondent to make available the so-called blue cards applicable to each one of these discriminatees. The record is clear on that. I want to hear no more about it.

If you care to question the witness, Mr. Rubenstein, please do so.

MR. RUBENSTEIN: Yesterday, respondent's attorney said they have a chart of the organizational set-up of the employer.

Q (By Mr. Rubenstein) Do you know of such a chart, Mr. Aylward?

A We have organizational charts with respect to some departments and also with particular reference to the cost accounting charge operation.

Q Do you have an organizational chart of the production department showing production employees, lead men, supervisors and so on up the line?

A Yes, we have such a chart.

Q Do you have it here?

A I do.

Q May I see it?

A You may.

Would you care to come over here?

MR. LEINER: May we go off the record for a minute, Mr. Examiner? I would respectfully request to go off the record.

TRIAL EXAMINER: All right.

(Discussion off the record.)

TRIAL EXAMINER: Back on the record.

You were asked to produce an organization chart.

THE WITNESS: I have an organization chart.

MR. CURLEY: I discussed with Mr. Aylward the contents of this organization chart or the situation it portrays and he advises me that is a current organization chart which I don't think will be of much use to us inasmuch as we are dealing with a situation about a year ago and I am also advised that these organization charts have changed many times since then. Also, there are no organization charts portraying the situation in June of 1964 available, or in existence.

Q (By Mr. Rubenstein) Mr. Aylward, you heard your counsel's statement about the organization chart that you hold in your hand.

Do I gather that this was prepared only recently?

A This organization chart that I am holding in my hand was prepared and is current as of last Friday from a master chart that is subject to constant revision whenever changes are -- have taken place. That being the case, we only maintain those charts that are current.

Q Would you, either by looking at the charts or from memory, say that there are many changes in the personnel

the packaging and shipping function. It is a subdivision of the fabrication department and the entire chart is identified in the lower right-hand corner as the fabrication organization chart.

MR. LYONS: I wonder if I could ask if that be marked for identification because there is so much talk concerning it.

MR. RUBENSTEIN: I shall gladly do so.

Do you want to mark it for identification?

TRIAL EXAMINER: Charging party's 3, I believe.

(Thereupon the document above referred to was marked Charging Party's 3 for identification.)

Q Mr. Aylward, I understand this is part of the fabrication organization chart as a whole, is that right?

A That is correct.

Q Is it correct, too, that the packaging and shipping is part or a section or a department of the entire department, is that correct?

A That would be correct.

TRIAL EXAMINER: Is that shown on the chart?

MR. RUBENSTEIN: It is shown on the chart in the extreme right-hand side of the chart.

TRIAL EXAMINER: Is that an organization chart of the plant?

THE WITNESS: That is an organization chart of the

MR. LEINER: I would prefer not to do it in writing. I prefer to put it in the record. It is,as far as I know, documents and diagrams consisting of not more than two pages which are entitled Report to Employees How Sales Dollars were distributed and it is on the stationery of the Gyrodyne Company, and it was distributed on or about only two days, the two days when President Papadakos spoke to all the employees of the company on June 11th and 12th, 1964.

MR. LYONS: I imagine there must be hundreds of copies of that around. I would like to see one and I would probably say that is it and I would produce it here across the table.

I don't want to look through this volume of material.

TRIAL EXAMINER: Mr.Leiner doesn't want it right away, he says. Sometime during the course of the day, Mr. Lyons, if you will look for it.

MR. LYONS: I think it would be easier - if it was distributed to all the employees, I will ask Mr. Aylward or someone, was there such a document and get me a copy. I personally have no knowledge of its existence.

TRIAL EXAMINER: That's all right.

MARTIN J. PIPIA

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows

DIRECT EXAMINATION

Q (By Mr. Leiner) Will you state your full name for the record, please?

A Martin J. Pipia.

Q Where do you reside?

A 7 Cedar Grove Avenue, Lake Ronkonkoma.

Q Were you ever employed by the Gyrodyne Company?

A Yes, I was.

Q When were you first employed?

A January 2, 1963.

Q When were you terminated by the company?

A June 19, 1964.

Q Prior to coming to the Gyrodyne Company, what trade or occupation did you follow?

A Cabinet maker.

Q How long were you a cabinet maker?

A 39 years.

Q What job did you have in the Gyrodyne Company?

A Hand contouring.

Q Of what?

A Of blades. Laminated blades.

Q What department did you work in?

A In the Blade Department.

Q You mentioned the Blade Department. How many sections are there in the Blade Department?

A Four sections.

Q What are the four sections?

A The four blades of the laminated plywood.

Q Mr. Pipia, just relax, please. I asked you what the four departments of the Blade Shop are.

A Excuse me. The four departments of the Blade Shop is the Gluing Department where they glue these blades in the big tank.

The routing department, contouring department, my department, and the finishing department. Hardware installation department and spraying.

Q And you worked in which department?

A In the hand-contouring department.

Q Who is the lead man in the hand-contouring department?

A THe lead man? Don Karmel.

Q He was your lead man?

A Yes, sir.

Q Who was the foreman or supervisor of the department?

A Bill Dennis is the foreman.

TRIAL EXAMINER: What was the name of the lead man again, please?

THE WITNESS: Don Karmel.

Q How many hand contourers of these laminated wooden blades were there?

A Approximately three.

Q What do you mean by a hand contourer?

A We shape out the blade to the right radius and get them according to the measurement, specificatrons, measurements.

Q Did you also do something else with regard to blades besides hand contouring?

A Yes. I repaired blades.

Q How many other persons in the Blade Department repaired blades?

A No one else but myself. I was the only one.

Q What was your starting salary?

A Starting salary was $2.50 an hour.

Q Dwd you ever receive any raises?

A Yes, I received two raises.

Q When were they and how much?

A One was in April, '63,a ten cent raise. The second raise was April of '64, 15 cents raise.

MR. LEINER: Would you mark this for identification as General Counsel's 12, please?

(Thereupon the document above referred to was marked General Counsel's Exhibit 12 for identification.)

Q (By Mr. Leiner) Mr. Pipia, you mentioned your lead man to be Mr. Karmel, and youmentioned Mr. Dennis as the foreman.

Did Mr.Dennis have an assistant foreman?

A Yes. He had Al Morel, assistant foreman.

Q Mr. Pipia, I show you General Counsel's 12 for identification and I ask you to describe it, please.

Do you know what it is?

A Yes. It is the card that I mailed to the union.

MR. LEINER: I offer it in evidence.

MR. LYONS: I object to the self-serving declaration and may I be heard on this point --

TRIAL EXAMINER: The offer is an application for membership in the union?

MR. LEINER: It is the same card, yes, sir.

MR. LYONS: This self-serving declaration, a similar type was also offered in behalf of the chargee Roman.

Now, Mr.Roman testified that he attended union meetings in 1963. His card was dated in 1964. It was accepted into evidence over my objection and these self-serving cards are being put in by these chargees after their discharge are merely an attempt to corroborate the testimony they are giving on the stand.

They certainly have no weight or probative value as to the facts stated thereon.

I therefore press my objection against the continuing bolstering of the witness' testimony.

TRIAL EXAMINER: This type of case necessarily involves the introduction of evidence concerning union

activity and while the card itself doesn't prove everything on its face, nevertheless, it is prima facie showing that the man did engage in union activity at the time, at the time of the date shown on the card.

I will take it in evidence over your objection.

MR. LYONS: If you made a ruling, I will not make another statement.

TRIAL EXAMINER: It is customarily done. If I don't, I will be reversed.

(The document heretofore marked General Counsel's 12 for identification, was received in evidence.)

Q Mr. Pipia, did you ever attend any union meetings?

A Yes.

Q Would you tell the Trial Examiner when you attended them?

A I attended all meetings.

Q How many did you attend?

A All eighteen.

Q What years were these in?

A '63 to '64.

Q When was the last meeting you attended, do you recall?

A The last meeting was in June or July.

Q What year?

A Of '64.

Q Mr. Pipia, did there come a time that you -- withdrawn.

Mr. Pipia, did there come a time that you received a telephone call with regard to your union activities in the plant?

A Yes, I did.

Q From whom was this call?

A This call was made by Pete Bohler.

Q Who is Pete Bohler?

A He was the lead man of the inspection department.

Q At the time that you received the call, what did Mr. Bohler say to you?

MR. LYONS: I object to any phone call made by a Pete Bohler.

MR. LEINER: Mr. Examiner, it will be connected up in four or five questions. I ask you to take it subject to connection.

MR. LYONS: I ask at this part of the hearing, that the rules of evidence be strictly adhered to.

TRIAL EXAMINER: You say he was a lead man where, in what department?

THE WITNESSS: Of the inspection department.

TRIAL EXAMINER: Counsel asked you did there come a time when you received this call. When was that time that you received this call?

THE WITNESS: It was the later part of May of 64.

Q What did Mr. Bohler say to you?

TRIAL EXAMINER: I have your objection in mind, Mr. Lyons.

A He told me that Bill Dennis found out that I had been going to union meetings.

MR.LEINER: Would you let the witness continue, Mr.Lyons, please?

A That Bill Dennis found out I was going to union meetings. That he was looking to fire me on any wrong move that I would make.

Q What happened after that? What day of the week was this telephone call?

A This was on a Saturday morning.

Q What happened after that?

A After that -- well, before he hung up,he told me, "Please don't say anything to Al Morel."

Q What happened on the following Monday?

A On the following Monday --

MR. LYONS: May I --

TRIAL EXAMINER: I will take this provisionally, Mr.Lyons. I can see your difficulty and I think you can see mine. It is very thin as proof as to who Bohler was and what authority he had to bind the company.

MR. LEINER: We will connect it up, Mr.Examiner.

TRIAL EXAMINER: Let me see the exhibit, please, sir.

MR. LEINER: That's true, Mr. Examiner.

MR. LYONS: He said he was the lead man at the time.

TRIAL EXAMINER: The pending question is, what happened on the following Monday, is that it?

MR. LEINER: Yes, sir.

TRIAL EXAMINER: All right.

I'll permit an answer.

Thank you, Mr. Lyons. I am glad you called that to my attention. It is very important.

Q Did you report for work in the morning?

A I reported to work on Monday morning.

Q Will you tell the Trial Examiner what happened that morning?

A I reported to -- that morning, I walked into the smoke room where all the men gathered --

Q Do you smoke?

A No, I never did smoke. The smoke room is where we gather in the morning before time to work and we do a lot of talking there and I spoke to two men, and I told them that Bill Dennis, the foreman, is going to fire me -

TRIAL EXAMINER: I don't think -

MR. LEINER: Mr. Examiner, I will connect all of this up and I ask you to take it subject to connection..

TRIAL EXAMINER: All right. I will.

A -- that he is going to fire me the first wrong move I make because he found out I'm going to union meetings.

Q When you left the smoke room, what did you do?

A A half hour later, I went over to Alber Morel and I told him, I says they found out I'm going to union meetings and Bill Dennis is going to try to fire me and Al Morel says to me, "Who told you this, Pete Bohler, because Pete Bohler and Al Morel are very close friends."

MR.LYONS: I move to strike the testimony.

TRIAL EXAMINER: Let him finish.

MR. LEINER: Mr. Bohler is outside. He will be the next witness.

Q What did you say to Mr.Morel, the assistant foreman, when he said to you, "Did Pete Bohler tell you that?"

A I just walked away and didn't answer him.

Q As a matter of fact, thereafter, were you called out of the Blade Shop by anyone away from your work?

A Yes.

Q Would you tell the Trial Examiner about that incident, when it occurred and where it occurred?

TRIAL EXAMINER: Wait just a moment. What was that question again, please?

MR. LEINER: Were you thereafter called out of the Blade Shop by anyone and would you tell the Trial Examiner

where and when this occurred.

MR.LYONS: Now that the conversation is finished, may I move to strike all of this testimony on the ground that none of it is binding upon the respondent in this case?

TRIAL EXAMINER: It doesn't seem to be as yet. I agree with you.

MR. LEINER: Mr. Morel is an assistant foreman and he acknowledged Bohler told him of this conversation. It is the only way he could have learned of it.

TRIAL EXAMINER: You have a lot of material in here that's inadmissible.

Go ahead and let's see what happens.

A TLat same morning at approximately 9:15, at coffee break, I was called by my lead man, Don Karmel, and told me that Bill Dennis, the foreman, and Al Morel, the assistant foreman, want to see me outside the building. They want to talk to me.

So I immediately went outside and met them and the first thing the foreman, Bill Dennis, told me is"What is this bullshit you going around telling the men that I'm going to fire you because you go to union meetings?"

He said, "I don't give a shit if you go to union meetings or not. It is none of my business. All I am interested in is that you put out your work."

Q Thereafter, were you visited by anyone?

A Yes.

Q Who visited you?

A The following week there was a knock on my door around 7:30 in the evening. I opened the door and there was a police officer in uniform at the door.

Q Who was that?

A And I took a look and it was Pete Bohler. He said he wanted to see me.

Q Did you have a conversation with Mr. Bohler?

A He told me to go for a ride with him in his car.

MR.LYONS: I object to any testimony by a man in a police uniform, Pete Bohler, having a conversation with this witness in May or June, long after Mr. Bohler was out of the company.

He must have been in some other capacity because he was going around in a police uniform.

MR. LEINER: May I be heard?

TRIAL EXAMINER: No. You go ahead. Let's see where you go. So far practically everything has gone in subject to a motion to strike.

I am letting you go ahead because you say you will connect it up.

MR. LEINER: I believe it has already been connected up in --

TRIAL EXAMINER: Don't argue with me.

Q Did you go for a ride in the car with Mr. Bohler?

A I went for a ride with Mr. Bohler and he told me that I'm called Mr. A. in the Blade Department.

TRIAL EXAMINER: Was that the same evening that Dennis talked to you?

THE WITNESS: No, this is the following week.

I says, "What do you mean by Mr. A? What's that about Mr. A business?"

He says, "You are considered a union organizer. They are calling you a union organizer and that's the word they use, Mr. Al, by Pete Ackles."

He said don't mention anything to Al Morel, the assistant foreman.

Q Do you know anything of the relationship--

TRIAL EXAMINER: What is this last again? I don't get this at all.

Mr. A. is who?

THE WITNESS: Mr. A. -

TRIAL EXAMINER: Is a union organizer?

THE WITNESS: THat's the expression they use for a union organizer.

TRIAL EXAMINER: Just any union organizer?

THE WITNESS: Anyone that's working in the plant that's in with the union trying to organize the union in

the plant is called Mr. Al.

That was the first time I ever heard of that expression.

TRIAL EXAMINER: What is this you just told us about Dennis? You mentioned Dennis' name, I thought. I didn't hear your answer. That's why I'm asking you.

MR. LEINER: Could you read back the answer, please?

TRIAL EXAMINER: What was the answer after Mr. A was mentioned, then what was said?

THE WITNESS: He told me not to mention it to Al Morel, the assistant foreman.

Q Not to mention what to Mr. Morel?

A THat he told me about this here Mr. A.

Q How long was this conversation before you were terminated, Mr. Pipia?

A About a week or two weeks later, I was terminated.

Q Would you tell the Trial Examiner what happened on the day you were terminated?

A On the day I was terminated, I was called by the foreman, Bill Dennis, around 2:15 on a Friday, and told me that Personnel wanted to see me.

So immediately I dropped my tools on the bench. I says, "Where do I go?" He says, "Come with me, I'll take you to Personnel."

So we walked into the Personnel room. There was

Mr.Aylward and Mr. Robinnette and Bill Dennis, the foreman came in also, and they told me to have a seat.

So the first thing Mr. Aylward told me, he says, "Martin," he says, "you have been terminated."

Q Did you ask him why?

A I says, "What reason? I can't see why my job is terminated."

"Well,"he says, "no sense talking about it, your job is terminated."

I said, "Wait a minute, there is more to it than just being terminated."

"Well," he says,"the foreman has been complaining about you leaving the bench too often."

I said, "How could it be? I don't smoke. I have no reasons to leave the bench unless it is necessary."

He says, "Well, no sense talking about it," he says. "Your check is made out and your tools are outside the gate."

That's it.

Q Mr. Pipia, do employees in the Blade Department smoke at work?

A Not at work. In the smoke room. They go to the smoke room.

Q Why is it that they go to the smoke room, if you know?

A Well, that's the only place they could smoke, but not

at the bench because there is a Fire Department ruling, "No Smoking."

Q Why is there a Fire Department ruling for no smoking in the Blade Room?

A There is a Fire Department ruling because the Spray Department is right on that floor.

Q What happens in the Spray Department?

A That's where they spray the propellors.

Q What is the spray composed of?

A Epoxy enamels.

Q Under your observation, Mr. Pipia, do any employees who work in the Blade Department smoke?

A They smoke -- they go to the smoke room to smoke.

Q Mr. Pipia, did you testify that you don't smoke?

A Yes, I never did.

Q Mr. Pipia, were you ever reprimanded or told prior to June 19, 1964 that you left the bench too often?

A Never was reprimanded, never.

Q Orally or in writing?

A Never was reprimanded.

Q For leaving the bench too often?

A Never was.

Q Mr. Pipia, would you tell the Trial Examiner about how many employees there are in the Blade Department?

A Approximately 24.

MR.LEINER: No further questions.

MR. RUBENSTEIN: I have one question.

Q (By Mr. Rubenstein) Mr. Pipia, you testified you attended all the meetings of the union.

When was the last day before you were discharged that you attended a union meeting?

A That was June -- I think it was June 17 or 18.

MR. RUBENSTEIN: That's all.

THE WITNESS: Of '64.

CROSS-EXAMINATION

Q (By Lyons) Mr. Pipia, did you give a statement to anyone concerning the facts that you testified to here today?

A Yes.

Q Who did you give the statement to?

A The lawyer, mylawyer.

Q Who is your lawyer?

A Ben.

Q Did you give any statement to anybody else?

A No.

Q You never gave --

A Oh, Mr. Leiner, yes.

Q How many statements in all have you given?

A Two statements in all.

Q Did you write them out in your own handwriting?

about it.

Q When you spoke to Bill Dennis with Morel eighteen months later, he told you what was the bullshit you were giving out in the smoke room about he was going to fire you because you were a union organizer; he said he didn't give a dam whether you were a union organizer or not?

A That's the statement he made.

Q And he wasn't satisfied with your work, at being away from the bench, is that right?

A That's correct.

Q You testified before that Mr. Bohler at the time you had a conversation with him was a lead man, is that right?

MR. LEINER: Mr. Examiner, I object to counsel screaming at the witness. You have admonished the General Counsel on this point before. I respectfully request that he keep his voice down.

TRIAL EXAMINER: Please proceed.

MR. LYONS: May I have the question read, please?

TRIAL EXAMINER: Yes.

(Question read)

A That's right.

Q (By Mr. Lyons) You didn't mean that he was a lead man at the time you had the conversation, did you, Mr. Pipia?

A Conversation with whom?

Q Mr. Bohler.

A He was lead man -- when he called me up you are talking about?

Q That's right.

A No, he wasn't. He wasn't with the company any more.

Q He hadn't been with the company for several months, isn't that right?

A That's right.

Q Mr. Bohler had been terminated March 3rd of 1964, hadn't he?

A That's right.

Q He had been terminated long before you?

A Right.

Q So when you testified before that he was a lead man with the company, you meant at sometime before that, is that right?

A That's right.

Q At the time that Mr. Roman -- at the time that Mr. Bohler came around, you said he had a policeman's uniform on?

A That's right.

Q At the time that he said -- that you said he had a policeman's uniform on, was he a policeman?

A He was working for the police department.

Q He didn't have any policeman's uniform on as any portion of anything to do with Gyrodyne, did he?

A No, he had nothing to do with Gyrodyne.

A That's right.

Q And he worked with his hands as you did, is that correct?

A That's right.

Q Do you remember a time when Bill Dennis got sick?

A Yes, I do remember.

Q Was that about the middle of March of 1964?

A About.

Q And Mr. Dennis was out of the shop, is that right?

A That's right.

Q Do you remember when he came back?

A Yes.

Q That he had a conversation with you?

A No.

Q Isn't it a fact that around that time that there was a discussion concerning the fact that you didn't produce enough work when he was on?

A That's true.

Q Who was present at that conversation?

A Who was present at that conversation?

Q Yes.

A My lead man told me that.

Q That you hadn't produced work while Dennis was away, is that right?

A That's right.

Q There was no remark about your union activities at that time, was there?
A No, no union activities mentioned.
Q It was a complaint about the fact that when the foreman was away or this man Dennis was away, that you didn't do your work, is that right?
A That's right.
Q You were criticized and reprimanded for it, is that right?
A I wasn't reprimanded. I was just told that I laid down on the job that day.
Q And you did lay down on the job, didn't you?
A That's what they told me.
Q And you did lay down?
A But there was no written complaint about it.
Q You did lay down when Dennis was away?
A I beg your pardon; I didn't. Nobody can make that statement about me. Unless you know all the facts about the case.
Q Do you know a man named Bov Trebbien?
A Yes, I know him.
Q Did you ever have a dispute with him about borrowing tools from him?
A We borrowed each other's tools.
Q Did you have a dispute with him?

answers were certainly not imposed on Mr. Aylward.

TRIAL EXAMINER: I don't impose conditions on answers. I take them as they come along. I would be foolish to try to lay down a broad all-encompassing rule regarding what an answer should be or not be.

Let's go ahead.

Q (By Mr. Lyons) In addition to the discussion and argument you had with Don Karmel, did you also get into an argument with Mike Iwonski in the blade shop, a man named Mike Iwonski?

A In what department was he, sir?

Q In the blade shop.

A I know in the blade shop, but what capacity did he have?

Q I don't know. How many other people, if any, did you ever get into an argument with concerning work in the blade shop?

A Only the lead man, Don Karmel.

Q You never had an argument with a man named Mike in the blade shop, concerning your work, is that correct?

A Never did.

Q Were you reprimanded or was there a discussion about the fact that you were away from your bench for long periods of time?

A It was never mentioned to me until I was terminated.

Q And at that time it was brought to your attention you

(Witness excused)

MR. LYONS: Let the record indicate I am returning the statement to Mr. Leiner.

MR. LEINER: May I call the next witness, Mr. Examiner?

TRIAL EXAMINER: Yes.

PETER K. BOHLER

a witness called by and on behalf of the General Counsel, being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your full name for the record, please?

A Peter K. Bohler.

Q Where do you reside, Mr. Bohler?

A 8 Colony Drive, Port Jefferson, Long Island, New York.

Q Were you employed by the Gyrodyne Company of America?

A Yes, sir.

Q For how long were you employed?

A About four years, sir.

Q When did you cease being employed?

A March 3, 1964.

Q At the time you ceased being employed, what was your job?

A Chief mechanical inspector, blade shop. Lead man, I should say.

Q How long were you lead man in mechanical inspection

in the blade shop?

A About a year.

Q Were you on the inspection or the blade shop staff?

A No, I was in inspection.

Q Who was your immediate supervisor?

A When I first started it was Groff Ward. After a while it became Frank LoGanza.

Q Now, would you tell me,if you know, on the basis of your employment with the company how many lead men were subject to the direction of Mr. Ward?

A About six to seven, sir. I am not definite of this. Maybe more at a later date.

Q About what time are you judging that there were six or seven lead men subject to Mr. Ward's direction?

A This was when I first became lead man in the blade shop.

Q How many lead men were subject to the direction and control of Mr. LoGanza?

A About four, sir. I won't be definite and certain because I never bothered asking him.

Q Do you know the name Buddy Hauck?

A Yes, sir.

Q Who is Buddy Hauck?

A He was directly under Groff Ward. He was the assistant to Groff Ward.

Q What were the things that Mr. Ward could do with respect

to the lead men over whom he was supervisor?

MR. LYONS: I object to the question. Improper as to what he could do.

TRIAL EXAMINER: That is pretty broad.

Q (By Mr. Leiner) What were his powers or duties with respect to the lead men in his department?

MR. LYONS: I object to the question, sir. The question could be, I believe, what did he do.

TRIAL EXAMINER: What was the nature of Ward's work?

THE WITNESS: Being chief inspector, sir, if we had any real problems we went to him and discussed it with him. He, shall I say, was the chief inspector to the point when I first came with the company he did the hiring and the firing. In other words, he was the one that got me into the blade shop. When the shop had a, shall I say, a reorganization, Frank LoGanza came in, I was more or less directly responsible to Frank. If we had any big problems, we went to Groff.

Q Does that mean Groff Ward?

A I'm sorry, yes, Groff Ward.

Q What was the nature of Frank Loganza's job?

A He was the assistant foreman.

MR. LYONS: May I move to strike pending my objection to the question? I am basing my objection to the question on the ground that Mr. LoGanza's name is not mentioned.

Q (By Mr. Leiner) You stated, I believe, that -- withdrawn.

Who is Frank LoGanza?

A He was my immediate supervisor.

Q And as your immediate supervisor, what did he do?

A Well, he came down and checked on me, toured the shop. If I had any little problems or other problems, I went to him with them.

Q What else did he do with respect to you and the employes under your supervision?

A Well, he hired employes. I have never seen him fire any, but I felt he had the power to do so.

MR. LYONS: Move to strike the latter.

TRIAL EXAMINER: I think you said, Mr. Bohler, that he had the right to hire and fire?

THE WITNESS: He brought the men down to the shop with their applications and we discussed them together. In most of the cases he went back up with either the okay or decline.

TRIAL EXAMINER: In other words, he made a recommendation on the hiring?

THE WITNESS: Yes, sir.

TRIAL EXAMINER: Did he make a recommendation to your knowledge in respect to anyone who was ever fired?

THE WITNESS: Not to my knowledge, no, sir.

Q (By Mr. Leiner) Would you tell the Trial Examiner who Mr. Buddy Hauck was?

A Buddy Hauck was like an under -- under Groff Ward. If Gross Ward wasn't there, Buddy Hauck took his place.

Q When you say "took his place," what did he do?

A He was like the assistant chief inspector. If anything came up when Groff Ward wasn't there, why, Frank LoGanza went to him and they discussed it. Usually the receiving and all the other inspection departments were -- they were like knitted together, but receiving inspection was the whole function of your inspection department.

In other words, everything came through receiving. Therefore, all these departments had to work through receiving and this is where Frank LoGanza would go to Buddy Hauck if anything came up for the blade shop, any parts, tools, and they would discuss this. Being Buddy Hauck was in charge of receiving inspection, he was directly under Groff Ward.

Q Did Mr. Groff Ward to your knowledge have the power to hire or fire?

A Well, he hired me, yes, sir. I mean, as far as firing goes, I had never seen any of the foremen fire anybody.

Q When you were inspection department lead man, what did you do with respect to the employes under you, Mr. Bohler?

A I assigned jobs. In other words, I broke my department down into three or four departments depending upon how many men were in.

Q How many men were under your supervision?

A There was three. I broke the shop down into different departments, different sections. I did all the paper work. I had the men assigned to certain problem areas. If we had a problem area, I gave more time to one area than I did to the other.

Also, if they had any problems, they came to me, any small problems, they came to me. If we couldn't work them out, then I went to Frank LoGanza, who in turn would go to Groff Ward. All -- whoever was involved within the problem we had. Sometimes we went even to Mr. Ackles.

Q Would you tell the Trial Examiner if you knew William Dennis?

A Yes, sir. He was the foreman in the blade shop.

Q Did Mr. William Dennis and you in the course of your employment with the company ever discuss unions?

A Yes, sir.

Q Would you tell the Trial Examiner what Mr. Dennis said about unions and when he said it to you and where he said it to you?

MR. LYONS: I object to that.

A I was in my office and the union had passed out throwaways pertaining to that they should join the union and so forth.

A lot of them came back to the office because it was like a smoking room, locker room. It was even partially at times a conference room. It was everything in -- just a room that was out of the shop itself. Many of them were left on my desk or on the other three desks -- the other two desks I had in the room. And he came in and he asked me about the fliers or the throwaways or whatever you want to call them. And I had passed a remark, some of them were good, some of them were bad.

Q Some of what were good, some of what were bad?

A The throwaways.

Q You mean the contents of the throwaways?

A The contents of the throwaways. And I told him that I couldn't afford to believe in anything at that time. I was a lead man within the company.

He said to me, "If I catch anyone that I know of within the shop that belongs to the union I'd bounce them in a minute."

This was one specific case that I do remember very strongly, because I came back with a remark that"I'm very surprised to hear you say that at this time."

Q Mr. Bohler, did you have a conversation with Mr.

Frank LoGanza about the union and, if so, would you tell the Trial Examiner when that was?

A That again was about two months, three months after -- before I was laid off. Before I was laid off. And it wasn't actually a conversation.

Q You tell the Trial Examiner where it took place first.

A It was an incident that took place.

Q Where did this incident take place?

A In the entrance to the room, in like the doorway.

Q What doorway?

A To the inspection office.

Q Was there anybody else there at this time?

A No -- yes, Carl Schmidt was in the room.

Q Would you tell the Trial Examiner whether this was in the morning or in the afternoon?

A I am pretty sure it was in the afternoon.

Q Would you tell the Trial Examiner what this incident was?

A Carl had complained about -- something about the company. I didn't get the whole drift of it because I turned to him and said, "If you are dissatisfied or not happy about something, I can't help you out on it. You have to go to personnel."

His remark was, "Oh, the hell with personnel. They wouldn't help you out worth a goddam."

MR. LYONS: I move to strike this out.

TRIAL EXAMINER: Let's get down to LoGanza here.

MR. LEINER: It is part of the incident. The witness is not being permitted to testify.

TRIAL EXAMINER: If you don't ask the questions, I will. I am reluctant to ask questions, but I will.

Q (By Mr. Leiner) At the time that Mr. Schmidt made this remark, was there anybody in or about the premises?

MR. LYONS: I move to strike the remarks of Schmidt. No relevancy whatsoever.

TRIAL EXAMINER: Continue.

Q (By Mr. Leiner) Would you tell the Trial Examiner the remainder of that incident?

A I looked up and there was Frank LoGanza standing in the doorway and I started to walk out. Frank LoGanza stopped me at the doorway and stated to me, if he is against the company, being Carl Schmidt when I say "he," "is against the company, or for the union, we will get rid of him," or close to that effect as I can give it.

Q Thereafter did you have a conversation with Schmidt?

A Yes, sir.

Q What did you tell Schmidt?

MR. LYONS: I object to any conversations he might have had with Mr. Schmidt.

TRIAL EXAMINER: Overruled.

A I cautioned Mr. Schmidt that -- of the fact that he should keep his remarks if possible to a minimum, and if he had a complaint, to go see personnel, or if it was a valid complaint I would see Frank LoGanza or whoever else he deemed necessary.

Q Mr. Bohler, are you acquainted with the name Al Morel?

A Al Morel, yes, sir.

Q Are you a friend of Al Morel's?

A Yes, sir.

Q Are you a close friend of Al Morel's?

A Yes, sir.

Q How long have you known him?

A About four years.

Q Mr. Bohler, did you ever have a conversation with Mr. Morel about the union activities of Mr. Pipia?

A Yes, sir.

Q And would you --

MR. LYONS: May I have the time fixed, please?

Q (By Mr. Leiner) When was this?

A After I was terminated with the company.

Q Did you telephone Mr. Pipia?

MR. LYONS: I object to any questions with Mr. Pipia after March 3, 1964, the date of the termination of this employee.

TRIAL EXAMINER: We sort of left Morel hanging up in the

MR. LEINER: I beg your pardon.

Q (By Mr. Leiner) What did you tell Mr. Pipia?

A I told Mr. Pipia that his union activities were known in the shop, that even Al Morel knew about it, being that he was usually the last one to know about anything.

Q Did you use any phrase in describing Mr. Pipia's activities?

MR. LYONS: I object to the question as leading and suggestive.

TRIAL EXAMINER: Yes, it is.

Can you answer that question?

THE WITNESS: Yes, sir.

TRIAL EXAMINER: What was the phrase used?

A "Mr. A" or "Mr. B".

Q Mr. A or Mr. B?

A Right.

MR. LYONS: Move to strike that.

Q (By Mr. Leiner) Did you thereafter visit Mr. Pipia?

A Yes, sir, I did.

Q What were you wearing when you visited him?

A A police uniform.

Q Did you have a conversation with him?

A Yes, sir.

Q Where did the conversation take place?

A In my car.

Q Will you tell the Trial Examiner what the conversation was?

MR. LYONS: I object to any conversation held in the car.

TRIAL EXAMINER: I don't know that this has any probative value at all for the very simple reason that the conversation is related by Pipia, I take it, you are now corroborating through the testimony of Mr. Bohler in itself is meaningless.

The only thing is that subsequent to these things Pipia was fired. He was fired after he had gone in and told the fellows in the smoking room that he was going to be fired because he knew Dennis knew about his union activities. That's the point of your inquiry here, I suppose. And you are showing knowledge on the part of Dennis of Pepia's union activities, is that right?

MR. LEINER: That's right. We are showing it through Mr. Morel, as well.

TRIAL EXAMINER: Go ahead. I don't know what weight to attach to it.

Q (By Mr. Leiner) What did you say to Mr. Pipia in the car?

A I told him that William Dennis had told Al Morel that he was with the union, and I told him please to take it easy, keep his union activities, if he had any union activities, within the shop, to within the realm of

outside of the company because he was too good of a man to lose.

Q Did you know Stanley Svandrlik?

A Yes, sir.

Q Did you know that he was employed by the Gyrodyne Company?

A Yes, sir. Shipping and receiving, to be exact.

Q Was he employed during the time that you were lead man?

A Yes, sir.

Q Did you have the opportunity to observe his work?

MR. LYONS: I object to this, your Honor.

TRIAL EXAMINER: Who is this we are talking about?

MR. LEINER: Stanley Svandrlik.

TRIAL EXAMINER: He was the witness who testified yesterday?

MR. LEINER: I think it was two days ago or yesterday, I forget.

TRIAL EXAMINER: He was the last witness on Monday?

MR. LEINER: Yes, on the March 3rd discharges.

TRIAL EXAMINER: Go ahead. Let's see where you're going.

MR. LEINER: I am afraid I forgot the last question.

TRIAL EXAMINER: Whether or not he knew Svandrlik and he said "yes."

Q (By Mr. Leiner) Did you have an opportunity to observe him at work?

JOSEPH DAMATO

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your full name for the record, sir?

A Joseph Damato.

Q Where do you reside?

A Yaphank Moriches Road, Manorville, Long Island, New York.

Q When were you hired by the Gyrodyne Company, do you recall?

A On January 21, 1963.

Q And when were you terminated?

A On June 19, 1964.

Q And did you ever receive any raises during your employment?

A Two of them.

Q Would you tell the Trial Examiner how much each one was and whenit was?

A I received a ten cent raise, 90 days after I was employed there. And I received another one about, another ten cents, about one year after.

MR. LEINER: Would you mark this, please, as

General Counsel's Exhibit 13?

(Thereupon the document above referred to was marked General Counsel's Exhibit 13 for identification.)

Q (By Mr. Leiner) I show you this card, Mr. Damato, and ask you to identify it if you can.

A This is the union card I signed and sent in on March 10th to the UAW.

Q It was March 10th, 1964?

A Rsght.

MR. LEINER: I offer it in evidence.

Mr. Curley?

MR. CURLEY: I object to the introduction of this, Mr.Trial Examiner, on the grounds it is self-serving,does not bind the respondent in any way. The best evidence -- the best evidence concerning the alleged import of anything in that card is from the lips of the witness himself.

TRIAL EXAMINER: General Counsel's Exhibit 13 is received over objection.

(The document heretofore marked General Counsel's Exhibit 13 for identification was received in evidence.)

Q Who is your lead man -- withdrawn.

What was your job when you commenced work for Gyrodyne?

A I was a blade builder.

Q Is that in the Blade Department?

A Yes, sir.

Q When you were first employed, who was your lead man?

A My first lead man, Al Morel.

Q And was he succeeded by another lead man?

A No. Just Bill Dennis was foreman and Al Morel was my lead man.

Q Did Al Morel cease to be your lead man?

MR. CURLEY: I object to that, Mr. Trial Examiner.

TRIAL EXAMINER: Oh, why do you object to it?

Overruled.

A Yes. You see, I moved from one department to the other. Bob Southworth was my lead man.

Q And Southworth became your lead man after a while?

A I was there before Southworth but he did become my lead man.

Q You said that the foreman of the department was William Dennis?

A Right.

Q Would you tell the Trial Examiner what Mr.Southworth's job was with regard to your employment? What did he do?

A He was the lead man of our department. He gave us orders of the day. How many blades we were going to build, whether we build the left ones, right ones. He told us everything you were going to do. You didn't do nothing

without him telling you.

Q Did you ever have a conversation with any supervisor of the company with regard to General Counsel's 13 in evidence, which is your card?

A Yes. I talked to --

MR. CURLEY: Mr.Trial Examiner, the question is phrased in such a way that we are dealing here with crucial and critical issues of a supervisory status.

I think the -- the proper way the question should be posed inthe context of this case is to ask whether or not he had a conversation with anyone concerning that card but to put -- to create a situation --

TRIAL EXAMINER: The question is perfectly proper and your objection is overruled.

Do you remember the question?

A Yes. Who I talked to about signing that card?

TRIAL EXAMINER: Yes, sir.

A I talked to Bob Southworth about it.

Q What did you say, what was the conversation? Tell the Trial Examiner.

A Okay.

TRIAL EXAMINER: Can you fix the date?

Q When was the conversation?

A THe conversation was shortly after I signed the card in the shop and I says to him, "I signed a union card and

sent it in and if he was smart, he would do the same thing."

Q At this time, if you know, what position did Al Morel have?

A Well, his position -- well, let's see, he was a lead man when I first got there. He was then promoted to assistant foreman. I once mentioned to him about the union and he turned around and said to me that union was a dirty word in the shop over there in his capacity as assistant foreman.

MR. CURLEY: I move the answer be stricken, Mr.Trial Examiner.

TRIAL EXAMINER: I'll let it stand.

Q Now, would you tell the Trial Examiner what a blade builder does?

A Well, a blade builder starting off in the morning, we glue up these parts. There is about -- well, so many parts to a blade which gets glued up and they are supposed to be dried for a half hour, never did. We got a hold of these blades and built them. We built each section and laminated them.

The sections ran 32/1000ths of an inch and 22/1000ths of an inch.

Q What -- are these pieces of wood?

A These are glued and built up, laminated one on top of the other to form one half of a rotor blade.

Q How do you put the pieces of thin, I take it when you say 32/1000ths of an inch, I am describing that as thin wood -- how do you put it together?

A Well, you take each piece individually which fits, it is patented, and you staple this together by hand,each side. Then it is placed into a mold and cooked.

Q Is there anything that holds the wood together?

A Staples. Glue and staples.

Q What type of glue?

A Oh, that was -- I don't know exactly but they used to have -- let's see, some kind of resin glue, I guess it was. We used to mix it with alcohol and it came out purple and they said there is formaldehyde in it.

Q Did you use gloves when you worked with this?

A Only when we poured and mixed the glue. And glued the laminates. But to build the blade, this is impossible.

Q So it is impossible to build the blade with gloves?

A Yes, it is impossible.

Q When you build the blade without gloves, does any of the glue come off on your hands?

A A lot of it,yes.

Q Subsequent to your signing the card, Mr. Damato, did you attend any union meetings?

A I attended a union meeting on -- I attended the open meeting on June 3rd.

Q Did you attend any other union meetings?

A One other before that.

Q Do you remember when that was?

A I don't, to tell you the truth.

Q Was it before or after you signed the card?

A It was after I signed the card.

Q Now, when you went to that meeting, did you make any statements with regard to any supervisors in the employ of the company?

A Yes, I did.

MR. CURLEY: I object to this.

What does this have to do with this man's alleged discharge?

MR. LEINER: We will connect it up.

TRIAL EXAMINER: Overruled.

Q Did you make any statements with regard to any supervisor in the company?

A Yes, I called Bob Southworth a barefoot, backward farmer.

Q By the way, what is your occupation right now?

A Two days ago, I became partners in a farm.

Q Are you a farmer now?

A Right now, yes.

TRIAL EXAMINER: Where was this when you referred to Southworth?

line of questioning is?

TRIAL EXAMINER: I don't know yet, Mr. Curley. These are preliminary questions.

MR. LEINER: Yes, it is. It will be connected up right now.

Q (By Mr. Leiner) Did you ever invite Mr. Southworth to a union meeting thereafter?

A Yes, I did.

Q Would you tell the Trial Examiner what he said to you?

A I says to him, "I sent a card in." I said, "You should do the same thing." I said, "It would be smart of you to do it."

He turned to me and said he couldn't do it, "he had no shoes."

MR. CURLEY: I assume that's the connection you were waiting for?

MR. LEINER: It certainly is.

MR. CURLEY: I move the entire -- the whole series of questions related to this business be stricken from the record, Mr. Trial Examiner.

TRIAL EXAMINER: I will let it stand.

Q Did there come a time when you got married?

A Yes.

Q WCen was that?

A It was in April.

Q Of what year?

A 1963.

Q And having returned from any vacation, did you have occasion to speak with Al Morel?

A Yes, I did.

Q Would you tell the Trial Examiner what the conversation was?

MR. CURLEY: I must object to any conversations taking place in April 1963.

MR. LEINER: It is for the purpose of supervisory capacity, Mr. Examiner. This is an 8 (3) on the stand.

TRIAL EXAMINER: Morel is still employed, is he not?

MR. LEINER: He is.

TRIAL EXAMINER: Very well.

A Okay?

Well, I came back to work --

MR.CURLEY: May I interrupt, Mr. Trial Examiner?

As the witness to please go slower. I just can't follow the man. He speaks too quickly.

A I came back to work after one week leave of absence and I seen the boys,you know, around over there. I had just gotten married and there was the usual conversation going on. So I walked over to Al, who was standing at a milling machine, running the milling machine. I said, "Hi, Al, old boy, how are you doing?"

He turned around and said real fast to Hans Nielson, who works over there, he works in his department, he says, "Tell this man who I am." He is -- he says I am the new assistant foreman.

Q Up to that time, Mr. Damato, what title did Mr.Morel have, if you recall?

A Senior lead men.

Q As senior lead man, what did he do?

A Well, he took over in case Bill Dennis wasn't there who was the foreman. He issued the orders. He took care of all the other leadmen, let's put it that way. He took care of the paint department, pre-finish, the finish department, the glue department. He said whether we would make up left or right blades.

He also would sign the requisitions if we needed parts up at the place over there.

Q Did the other leadmen sign requistions for parts?

A No, only Bill Dennis or Al Morel could sign those.

Q I would like to talk to you about blade-building again, Mr. Damato.

You worked for the company from January '63 through June, 1964. That's about 16 or 18 months.

A Correct.

Q And did you do a job -- how long were you a blade builder?

A Well, let's see. I was there 15 of the 18 months.

Q I want you to tell the Trial Examiner who was the fastest blade builder in the department?

A I was.

MR. CURLEY: I object to that. It has nothing to do with this hearing.

TRIAL EXAMINER: It is harmless. I will let it stand.

Q How long did it take youto build a blade?

A The fastest? 17 minutes.

Q And how long did it take the next fastest blade builder tobuild a blade?

A 45 minutes.

Q Did anybody keep a record of the speed with which you built blades and the other blade-builders built blades?

A Bob Southworth kept the records.

Q Did he keep records of the speed with which you built blades?

A Yes, we raced every day.

Q You raced every day?

A Every day it was a common thing to race to get the blades done.

Q Did Mr. Southworth ever call a conference of the blade builders?

A Yes.

Q And make a statement with regard to the speed with

MR. CURLEY: I object to him leading the witness, Mr. Trial Examiner.

TRIAL EXAMINER: It is harmless. It is time-saving.

Q Will you tell the Trial Examiner when this conversation took place?

A Well, there --

Q When --

A Oh, this took place, let's see, about the second week of June, 1964. About a week before I was laid off.

Q Would you tell the Trial Examiner, in your own words, what happened at that time?

A Well, I had been fooling around and I grew some big strawberries --

Q Where did you grow the big strawberries?

A Over my father's farm this was.

Q Thank you.

A And I brought two of these quarts in for Al Morel and they got to talking about them. So he had forgotten them in the cooler. We had a cooler back there.

Q Where was the cooler?

A In the blade shop.

Q All right.

A We went back to get them --

Q What time of the day was this?

A This was at four o'clock. We were quitting. We left

and were walking out to the main building to punch our cards out, time cards. Across from the time cards, there is a men's room and he tapped me on the shoulder and made a motion to enter the men's room, which I entered in, you know.

He then put his hands to his lips to make no sound--

Q Excuse me. May the record show that the witness has made the sign of silence.

TRIAL EXAMINER: He is describing it. Go ahead.

A And he then checked all the stalls, the bathroom stalls and all around the place to see that nobody was there.

Then he made a motion for me to pretend I was urinating. And he stood alongside of me. And he says to me, "They are out to get you."

And I said, "Who is?"

He said, "Bill Dennis."

And I said, "That's the way it goes."

Q Up until the time of your being terminated, were you still the fastest blade-builder in your department?

A Yes.

Q Did you ever make a request for medical treatment to respondent?

A Yes, I --

Q Would you tell the Trial Examiner when that was and

what the circumstances were about that?

A I contracted what they call the Gyrodyne disease there in the glue room because of handling the stuff. It gets into your hands and it is formaldehyde and alcohol, dries them up, cracks them and creates a rash on your hand.

I asked Bob Southworth if I could be taken off building blades for one day.

Q When was this?

A This is about a week before I was laid off. Two weeks before I was laid off, I guess. And He just says to me real nasty-like, "Don't talk to me. See the foreman about it."

So I went and seen Bill Dennis and he went down and sent me to the nurse.

Q Did the company actually pay for your sick needs or your bills for drugs?

A Yes, they did. They paid $6 for the drugs and needs. They sent me to the doctor. Dr. Fink in Smithtown. He said it was a common trouble I had with my hands. He said there was a lot of other employees in there had it.

MR. LEINER: I have no further questions, Mr. Examiner.

MR. CURLEY: I move that all comments made by the doctor in talking to this gentleman be stricken from the

record.

MR. LEINER: Excuse me, I have a few more questions.

MR. CURLEY: Mr. Trial Examiner, will you rule on my motion, please?

TRIAL EXAMINER: Yes, it is denied.

Q (By Mr.Leiner) You were terminated on the 19th?

A 19th, yes, sir.

Q Of June, 1964?

A Right.

Q Would you tell the Trial Examiner how that came about, please?

A I went to work that day. Nobody said anything to me, neither Bill Dennis nor Bob Southworth, not one word all day. Just the regular orders, do this, do that. At 2:10 in the afternoon, because at 2 o'clock, I had a break time. As I remember remarking when I was leaving the place, I said, "If I knew I was going to get laid off, I would have taken my break."

He took me -- Bill Dennis came in and he says, "Come here," with his finger. And he says, "They want to see you up in Personnel."

I walked up to Personnel. I think it was - I forget the fellow's name who gave me the check. I should know it. Anyway, he was sitting behind the desk. Bill Dennis was there. And he just handed me my check and he said your

job here is terminated for slowing down on the job.

MR. LEINER: No further --

Q Did you say anything further to him at that point?

A Nothing. I said to him, "I guess you will need this. I handed him the badge and walked out."

MR. LEINER: No further questions.

TRIAL EXAMINER: I just want to ask one question, Mr. Reporter. I think you said there was another person there, that Dennis took you to the Personnel Office and there was another person there who handed you the check; is that right?

THE WITNESS: Yes.

Q (By Mr. Leiner) Was he in the Personnel Department?

A Yes. I just can't get his name right now. It was not Aylward.

It was Mr.Robinnette. And, of course, there was a security officer there who guided me out.

TRIAL EXAMINER: All right, Mr. Reporter, we will have a short recess.

(Short recess.)

TRIAL EXAMINER: On the record.

Mr. Rubenstein?

MR. RUBENSTEIN: I have no questions.

TRIAL EXAMINER: Mr. Curley?

CROSS EXAMINATION

Q (By Mr. Curley) Mr. Damato, did you speak to any representative of the National Labor Relations Board concerning this case?

A Yes; Mr. Leiner.

Q Did you sign a statement for him?

A Yes, I did.

Q Did he show you any other statements of employes of Gyrodyne?

A No, sir, he didn't.

MR. CURLEY: May I have a copy of that statement, Mr. Leiner?

Q (By Mr. Curley) Was it just one statement you signed?

A I believe so.

Q Are you sure of that?

MR. LEINER: As a matter of fact, there were two statements.

MR. CURLEY: Let the witness answer the question.

TRIAL EXAMINER: That's what you want to know, isn't it? Hand it to counsel and let him look at it.

After this, when you know you are going to call for

in April '63 in the blade building department?

A Right.

Q And that counts the cutting, gluing and autoclave sections?

A Yes. As far as I can recall, because every other week somebody left. We had guys there three days, two days, one day. There was nobody that stayed actually.

Q And at the time you were discharged there were five, is that correct?

A Yes. In the whole department.

Q Counting the three sections, cutting, gluing and autoclave?

A Right. As far as I can remember.

Q And Bob Southworth was made lead man in that section in September of 1963?

MR. LEINER: Mr. Examiner, I want to object here because the cross-examiner is using section and department interchangeably and my notes are now becoming confused with regard to the use of the word "section" and "department."

TRIAL EXAMINER: Is there any difference between the two?

THE WITNESS: Well, a section is where I would work. I would work in two out of the three sections. Three sections made the department.

Q (By Mr. Curley) He was made lead man in the blade building department in September, 1963?

Q Did you ever get an oral reprimand?

A Well, I don't know what you mean by "reprimand".

Q Did anybody complain or criticize your work?

A To what extent?

Q In any fashion, Mr. Damato.

A Well, we goofed around telling everybody they were doing the work wrong, but not getting a reprimand.

Q Doing what?

A Everybody would criticize each other's work.

TRIAL EXAMINER: What counsel wants to know is whether or not any lead man or assistant foreman or anyone in management told you that you weren't doing the work properly.

THE WITNESS: Not to my knowledge.

Q (By Mr. Curley) When you had this Gyrodyne disease, you asked Southworth for permission to see the doctor?

A No. I asked him for permission to be taken off the gluing for one day.

Q What did he say to you?

A He said to me not to bother him, to see the foreman.

Q And eventually you saw the doctor and the company paid for the treatment, is that right?

A I seen the nurse first.

Q Did you see the doctor eventually?

A Then I seen the doctor.

Q Did the company pay the doctor's bill?

REDIRECT EXAMINATION

Q (By Mr. Leiner) I believe you testified in answer to Mr. Curley's questions, Mr. Damato, that the production of blades in June of 1964 was three times the production of blades in January, 1963, is that correct?

A Yes. Three or better, because some days we couldn't build blades, you only had two men there so we done the best we could. When we had three men, we went into production.

Q I also understood you to say that you initiated a new system of blade building which increased production.

A Yes, I did.

Q Did any supervisor know that you had instituted a new production system?

A Definitely. You can't put a blade together unless the procedure is right. You are building an aircraft piece over there and it's an important part. I happen to be a licensed pilot and I know what a prop in front of an aircraft can do.

Q Who knew about the fact that you had created a new production system?

A Bob Southworth was one.

Q Who else?

A Becase I taught him the first method and then taught him the other method, which was twice as fast. Bill Dennis

knew it.

Q I just have one more question, Mr. Damato.

Did I understand you on cross-examination to say that Bill Dennis, the supervisor of the department, built blades with his hands?

A Bill Dennis operated the glue machine in the morning, took the laminated pieces and put them through the glue machine and everybody on the other side took these laminates out because the glue was so bad -- actually -- it acts on human skin and membranes like tear gas. It makes your eyes tear, your nose run, so everybody got in there and pitched in. We were all in a small room and got the stuff to dry.

Q Did he do any other physical labor outside of operating the glue machine?

A No.

Q Did he do this on a daily basis?

A Yes.

MR. CURLEY: Mr. Trial Examiner, what's the significance of this?

Q (By Mr. Leiner) Did Al Morel work with his hands?

A Yes. Every day.

MR. LEINER: I have no further questions.

MR. CURLEY: I have no questions.

MR. RUBENSTEIN: No questions.

TRIAL EXAMINER: Thank you, Mr. Damato. You are excused.

(Witness excused)

TRIAL EXAMINER: Take a five-minute recess.

(Short recess)

MR. CURLEY: Let the record show the statements of Mr. Damato have been returned to Mr. Leiner.

FRANK LODATO

a witness called by and on behalf of the General Counsel, being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your name for the record, sir?

A Frank Lodato.

Q Would you spell your last name, please?

A L-o-d-a-t-o.

Q Mr. Lodato, where do you reside?

A 85 Rhoda Avenue, Smithtown.

MR. LEINER: Mr. Examiner, may I make a short motion prior to proceeding with this witness?

In view of the testimony, sir, of Mr. Pipia this morning and afternoon, I now respectfully move that your ruling with regard to testimony relating to the meaning of Mr. A and Mr. B and Mr. Papadakos' use of such terms in 1962, be withdrawn, and that General Counsel be now permitted to recall witnesses with regard to proof of

Mr. Papadakos using those terms in certain contexts which are relevant to this case.

TRIAL EXAMINER: Motion is denied.

Q (By Mr. Leiner) Mr. Lodato, when were you first employed by the Gyrodyne Company of America?

A In April 1960.

Q Where were you employed at that time?

A In the maintenance department.

MR. LEINER: Mr. Examiner, may the witness be admonished to keep his voice up and sit closer to the stenotypist.

TRIAL EXAMINER: Mr. Lodato, because of the noise in here and poor acoustics, will you please try to keep your voice up?

THE WITNESS: Yes, sir.

Q (By Mr. Leiner) You say you are employed in the maintenance department?

A That's right.

Q How long were you in the maintenance department?

A Almost a year.

Q Did you then -- were you then transferred to another department?

A I was transferred into the blade shop.

Q And how long did you stay in the blade shop?

A About two and a half years.

Q In that time did you receive promotions while you were employed as an employee in the blade shop?

A Yes, I became a lead man.

Q In the blade shop?

A In the blade shop.

Q Did there come a time when you ceased being lead man in the blade shop?

A Yes. In March.

Q Of what year?

A 1963. I had a heart attack and I was out of the plant for six months.

Q When you returned, did you return to the blade department as a lead man?

A No, I could not return to the blade shop because of my condition.

Q Did you discuss this with the personnel department when you returned?

A That's right.

Q Did they know that you had a heart attack?

A Yes.

Q What job did you take -- what job were you assigned at that time?

A I was assigned to packaging inspection in the packaging department.

Q Who assigned you to that job?

A Bill Aylward.

Q You say you were assigned as a packaging inspector in the packaging department?

A That's right.

Q How long did you work in that job?

A Until I was laid off in June 1964.

MR. LEINER: Would you mark this for identification as General Counsel's 14?

(Thereupon the document referred to was marked General Counsel's Exhibit No.14 for identification.)

Q (By Mr. Leiner) I show you General Counsel's 14 for identification, Mr. Lodato, and ask you to identify it, if you can.

A Yes. I signed this card.

Q What is it?

A It's a union identification card that I authorized the union that I wanted them to represent me.

MR. LEINER: Mr. Examiner, I offer it in evidence.

TRIAL EXAMINER: What's the date of that card?

MR. LEINER: 1-30-64.

MR. CURLEY: Respondent makes the same objection to the introduction of this in evidence as he has to all other similar documents.

TRIAL EXAMINER: General Counsel's Exhibit 14 is received in evidence over the objection of respondent.

(General Counsel's Exhibit No.14 for identification was received in evidence.)

Q (By Mr. Leiner) Mr. Lodato, after signing General Counsel's 14 in evidence, which is your union card, did you attend any union meetings?

A Yes, I did.

Q How many did you attend?

A I can't remember the amount, but I did attend quite a few meetings.

Q Well, approximately how many?

A About four, five or so.

Q When was the last one that you attended, do you recall?

A I think two days before I was laid off.

Q Were you terminated on June 19, 1964?

A Yes, sir.

Q Did you ever discuss the union with any company supervisor?

MR. LYONS: I object to the question as being leading and suggestive at this time.

TRIAL EXAMINER: Yes. It has been asked.

You may answer it.

Do you remember the question?

THE WITNESS: The question that he asked?

TRIAL EXAMINER: Yes.

THE WITNESS: He asked me if I had spoken to any

1

TRIAL EXAMINER: And what they are.

All right, now let's go to the question of who Bruno and -- who was the other one?

THE WITNESS: Mike Zafrano.

TRIAL EXAMINER: Bruno and Zafrano.

Q Will you tell the Trial Examiner who Joe Bruno was?

MR. LYONS: I object to that, calling for a conclusion.

Q What Joe Bruno did?

A Joe Bruno is a foreman of the packaging department. I went to him one morning and I asked him if he got the union literature --

Q No, no.

MR. LYONS: I object to --

TRIAL EXAMINER: Let's get this straight. Let's find out what Bruno's duties were. And also Zafrano's.

A What his duties are?

Q Will you tell the Trial Examiner, Mr. Lodato, what -- I will withdraw that.

Did you work in the same department with Mr.Bruno?

A I did.

Q How long did you work in the same department with Mr.Bruno?

A I would say a few months.

Q Would you tell the Trial Examiner what Mr.Bruno's

duties were.

A He was to supervise all packaging in the packaging department.'

Q Well, when you say supervise, what do you mean? What did he actually do with regard to the employees in the packaging department?

A He was in charge. He was the head of the packaging department. If any one had any question, they went to him to find out what he wanted done. He would assign them to certain jobs.

Q Did you come in contact with Mr. Bruno on a daily basis?

A Yes, I did. Every day.

Q Did you ever go to him when you had a problem regarding your work?

A Sometimes when the fellows made a mistake in packaging, I went over to Mr. Bruno, and I told him about the errors they were making and he would go and stop them.

Q Who was, if you know, who was Mr. Bruno's supervisor?

A Tony Caliendo.

Q Were there any lead men under Mr. Bruno?

A No, there were not any leadmen under Bruno but there were lead men in that same department because the warehouse was right there, too.

his duties.

THE WITNESS: How he performed them? He started the day by assigning each one to a certain packaging area. They all had tables where they would start their work. He would tell one to package one A-8, another one to package 2B. That's all military specifications. Certain others to different packaging. So, therefore, they had their jobs and he would go along and see that every one had their proper day's work, to see that -- any time some one needed packaging for a transmission, they would call Joe Bruno and say they want some men sent over to the transmission department to package a transmission. And so on.

So he was in charge of that department so that all the people involved working there would do their proper job and he had to authorize each one to do that job.

TRIAL EXAMINER: All right, he assigned the work?

THE WITNESS: He assigned the work, that's right.

TRIAL EXAMINER: What in addition to that did he do in connection with the work done there? After the assignment was made, did he have any further responsibility?

THE WITNESS: Yes, he had responsibility to see that nothing ran short of ordering boxes and so on for packaging. To see that they didn't run short. And he would fix up cards, he would get cards to fix up to sort of get enough so that we wouldn't run short of boxes. He had to

be well ahead. That was his job, too.

Even after working hours, he would stay and set up this system for the next day.

TRIAL EXAMINER: Did he do any actual packaging himself?

THE WITNESS: No, he did not.

Q (By Mr. Leiner) How many employees did do packaging?

A I'd say at the time there might have been about six or seven.

Q Does that include the packaging inspectors?

A No, we didn't do any packaging. We were there to see that they did the proper packaging for military specifications.

Q When you say we, who else?

A Myself and Mike Billone was a packaging inspector, too.

Q Were you the only packaging inspectors?

A The only two,yes.

MR. LEINER: Would you give me a minute, Mr. Examiner, please?

TRIAL EXAMINER: Yes.

Q Mr. Lodato, I now show you General Counsel's 8 in evidence and I ask you if you know what it is.

A Preservation Method of -- Military Specification, P116D. THat's the method of packing that we are doing--

7

A He would tell one of the men, I want you to go over and package a transmission.

Q Did you ever hear any employee refuse to follow his direction?

A Better not. No.

MR. LYONS: I object.

Q Did you ever receive any pay increases at the time that you were package inspector?

A I don't get that.

Q Did you ever receive any pay increases --

A Pay increases? Yes, I did receive one pay increase while I was a packaging inspector.

Q When was that if you recall?

A I went back in September. About December. December or January. I got 15 cents.

Q What year was that, '63?

A In 1963, I guess.

Q Was Mr. Bruno in the package department?

A No, not at that time.

Q Did you ever have a conversation with Mr. Bruno about -- anything about the union?

A Yes, I did.

Q When was that?

A This was sometime in May.

Q Of what year?

A 1964.

Q Where was this conversation?

A In the packaging inspection in the morning before work.

Q Would you tell the Trial Examiner what the conversation was? What Mr. Bruno said to you or what you said to Mr. Bruno?

A Be glad to.

I came into the plant. I didn't - I asked Mr. Bruno if he had read the union literature --

MR. LYONS: Your Honor, I object at this time to placing in evidence a conversation initiated by the chargee to men who they claim were supervisors. This pattern has developed in this case where we have continual testimony regarding conversations that are initiated by the charging parties.

I would like to state on the record an objection to this type of evidence.

TRIAL EXAMINER: Mr.Lyons, in this connection, where are initiated by an employee regarding the union with a supervisor being at the other end of the conversation, obviously there can be no inference, implication,nor can it be considered proof of an unfair labor practice.

The question may be, and I assume it is a preliminary question which would be followed by something which will be

it all which may bring it to a point. I am not saying I will. I am not saying I will not. I will let the case develop as I see it now.

MR. LYONS: Thank you.

TRIAL EXAMINER: Now, Mr. Lodato, you told us that you asked Mr. Bruno if he had seen any union literature.

THE WITNESS: Yes, sir.

TRIAL EXAMINER: Will you continue from there and tell us the rest of the conversation?

THE WITNESS: I would like to, yes.

I asked him if he had gotten any union literature because there was something good on that literature that morning.

And he told me he didn't want to even bother with it because he felt that anyone that would want to join a union had to be lazy. He says anyone that wants to be a union man would want to get away with work, had to be lazy to join a union.

I told him it isn't so. I belonged to the UAW before this, in Fairchild Engine Division, and I thought it was a very good union. I was in it for seven years. So, therefore, that union was all right as far as I was concerned.

Q What did he say tothat, Mr. Lodato?

A He didn't say much more. He just turned around and

walked away.

MR. LYONS: Would I be proper, Mr. Trial Examiner, to move to strike the entire testimonysince there is no proof now adduced as the result of this conversation which would make it relevant under the charges as they appear in the complaint?

TRIAL EXAMINER: Yes, I think I would find on that basis. I will let it stand. I will deny the motion to strike.

MR. LEINER: Again, Mr. Examiner, may I have just a moment, please?

TRIAL EXAMINER: Yes.

Q Did you have conversations with any other person in the company with regard to the union?

A Yes, I had conversation with Mike Zafrano, that was a lead man in the warehouse department which was still in the same area, the packaging area.

Q When was this conversation?

A It was sometime in May, too. Joe Bruno had been there at the time, too.

Q Joe Bruno was there at the time you had the conversation with Mr. Zafrano?

A That's right.

Q Will you tell the Trial Examiner what that conversation was?

A I was telling him --

MR. LYONS: I object to any conversation with Mr. Zafrano since there has been no establishing at all as to his supervisory capacity.

He testified here on the stand the other day and there certainly was nothing in his testimony which showed his supervisory capacity.

MR. LEINER: The witness has testified,Mr.Examiner, that the conversation took place in the presence of Mr. Bruno. This conversation with Mr. Zafrano - of course, I don't have to meet counsel's remarks with regard to Mr. Zafrano's supervisory authority.

TRIAL EXAMINER: That's on the assumption, of course, that you have established that Bruno is a supervisor.

MR. LEINER: Absolutely, sir.

TRIAL EXAMINER: Go ahead.

MR. LEINER: Was there a ruling onthe motion?

TRIAL EXAMINER: In effect, I overruled the objection.

MR. LEINER: Thank you.

Q (By Mr. Leiner) Would you now tell the Trial Examiner what the conversation was with Mr. Zafrano in Mr. Bruno's presence?

A I had asked Mike Zafrano if he would go to one of the union meetings that we were going to have in June --

MR.LYONS: MayI have the date fixed, the place where?

Q Where was this conversation?

A This was, I think, June 3rd.

Q No, where was the conversation --

A In the warehouse department where Mike Zafrano had his desk.

Q By the way, did Mr. Bruno have a desk?

A Yes, he had one, too.

Q Did he have a telephone?

A Yes.

Q Was his desk next to Mr. Zafrano's?

A No, it was not.

Q Where was it?

A I say about 50 feet away from each other.

Q Was it in an enclosed area?

A No, it was in an open area.

Q Did Mr. Bruno have a secretary?

A No.

Q Did he have anybody assist him in the carrying out of his duties?

A Well, just -- no, not really.

Q Would you tell the Trial Examiner what the conversation was -- I'm sorry, when was this conversation -- did you testify as to when the conversation was when you

spoke to Mike Zafrano in the presence of Mr. Bruno?

A I asked him --

Q When was it?

A In May.

Q What year?

A 1964.

Q I see.

MR. LYONS: May I have the time fixed closer? It may become very important regarding certain testimony Mr. Zafrano gave regarding other testimony in the case.

I would like the time fixed very specifically in this matter.

MR. LEINER: I will be glad to, Mr. Examiner.

Q As best you can recall, Mr. Lodato -- well, you testified that the conversation with Mr. Bruno -- with Mr. Zafrano, I beg your pardon - in the presence of Mr. Bruno occurred in May, 1964.

A That's right.

Q Can you tell the Trial Examiner as best you can recall when in May this might have occurred? Or did occur?

A Well, I don't know but I would say about a week before the open meeting of June 3rd.

Q So, in other words, it was quite late May?

A That's right.

Q 1964?

A That's right. Because it was close to an open meeting. I remember the first open meeting we had in June, June 3rd. And therefore, when I spoke about it, Joe Bruno started to walk away and Mike Zafrano told me, "You got a big mouth. One of these days you are going to get in trouble." That's when I shut up and that's when - when I shut up.

Q Mr. Lodato, you were terminated on June 19, 1964?

A That's right.

Q I want you to start from the beginning of that -- withdrawn.

At or about the time you were terminated, Mr.Lodato, would you tell the Trial Examiner whether there was -- withdrawn.

I'm sorry.

You testified, I believe, that Mr. Billone and yourself were the only package inspectors?

A That's right.

Q Would you tell the Trial Examiner what the volume of work was on June 19, 1964 with regard to package inspection?

MR. LYONS: I object to this as not the best evidence.

TRIAL EXAMINER: I have been wondering -- you went into volume of work, production and so onwhen Mr. Damato

MR.LEINER: If there is no work, there would be no department. It has to do with work.

MR. LYONS: I certainly object to the statements of counsel. I have made an objection here. I ask for a ruling.

TRIAL EXAMINER: I sustain the objection. I don't want to go into that unless we have to.

MR. LEINER: I don't know, Mr. Examiner, whether you want to peruse that document that you have before you or you want me to continue.

TRIAL EXAMINER: No, you go right ahead. I can listen and look.

Q (By Mr. Leiner) Mr. Ladato, prior to the time you were terminated, did you attend any company-wide meetings at which Mr. Papadakos spoke?

A Yes, I did.

Q When was the first, do you recall the day and the date?

A The day I don't remember. I think they were in June.

Q You think they were in June?

A That's right.

Q What year?

A 1964. There were to meetings --

TRIAL EXAMINER: When was that date in '64?

THE WITNESS: 1964, June. They were one day after

the other. Two days in a row,I think. Two days in a row.

Q Do you recall what days of the week they were?

A I think it was a Thursday and Friday. I'm not positive.

Q About how long before you were terminated did these meetings take place?

A Before I was terminated?

Q Yes.

A About a week or two.

Q Do you recall what Mr.Papadakos said at the first meeting and who was there?

A At that time he had the whole plant, plant-wide, all in one section, the flight line. We had chairs all put out for everyone. And he spoke to everyone about the company expanding, making more money than they ever had and everything was looking up all right for everyone.

Q How long did the meeting last?

A It lasted that we had to go into overtime and they all voted that they wanted to go home. So we stopped at, I think, four o'clock or -- four o'clock and we all went home. So the next day, he had a surprise meeting for all the production workers.

Q You testified that -- I want to take you back to the first meeting. You were working in the package area at the

A Yes.

Q How long before the meeting took place, did you learn that there was going to be a meeting?

A I think it was the same day.

Q Now, how long before the second meeting, did you learn that there was going to be a second meeting?

A About a half hour before time.

Q Now, would you tell the Trial Examiner what happened at the second meeting and who was there?

A The second meeting, it was all of a sudden and all the production workers were there and he started to talk about different things which we couldn't understand.

I didn't understand it anyway. And maybe it's because I didn't want to understand it because of all the soft-soaping he had done in the previous years, that I didn't want to even bother listening.

Q Do you recall what he said there?

A Not particularly.

Q Now, with regard to your termination, Mr. Lodato, you were terminated on June 19, is that right?

A Correct.

Q Will you tell the Trial Examiner what happened on June 19, from the commencement of work in the morning until you were terminated.

A Well, in the morning, we went to our regular day's

work.

Q Who is we?

A The whole packaging area with Mike Billone and I as inspectors. We went through a normal day's work. At -- I don't know, approximately, I would say before four o'clock, about 3:30, let's say, Hollwedel, the supervisor of inspection department came over tothe packaging area and told Mike Billone that he wanted him to come with him and get me with him, too.

When Mike told me, let's go, Hollwedel wants us to go to the office, so I said, what, are we going to leave the packaging area alone?

He said, "Come on, he wants us with him."

So I left and walked with him. I had no idea what it was all about.

As soon as we hit the other building, we went into an office and there were two personnel men and a security officer waiting for us. Robinnette, Personnel man -- by the way, Hollwedel disappeared. He just took us there and he went away. Robinnette told us that we were being laid off because the department was terminated.

And I said, "How could it be? Everything seems to be working pretty good. There is so much work there."

He said, "Well, they are going to subcontract all the work out." He said, "They terminated the department."

So I said, "Well, there are still fellows packaging."

He said, "Well, that has nothing to do with it."

I said, "Well, can I talk to Mr. Pete Ackles? He is the general manager of the plant. Pete Ackles had told me, any time I needed any favors, call him up and talk to him. I wanted to talk to him and they wouldn't let me talk to him. So I let that go.

When I did go out of the plant, I went home and I called the building. I got a hold of Pete Ackles, that's the only way I could have talked to him personally, and I spoke to him and I told him that I was laid off and I wanted to know the reason for it.

So he said, "Gee, I don't know the reason why you were laid off. I will find out and let you know."

I left it that way for that night. And Saturday morning, I went to the plant because I knew some of the fellows were working and Pete Ackles would be there. When I went to the plant, I asked for him and he came to talk to me and he said that he didn't find out anything yet.

Well, I told him my job is at stake here. After all, I have done a good job from maintenance to Blade Shop and inspection. Everyone was satisfied with my work. How come all of a sudden with my seniority, I was laid off.

So he says, "Gee, I don't know. I will have to find

out about it and let you know Monday."

So we let it go for Monday.

Monday, I went back and I spoke to him and he says, "Well, the package inspection is terminated."

So I says, "Well, can't you put me in any other department? You have before."

He said, "Well, we looked at your application and there is nothing you can qualify for now in the plant."

So I knew I wasn't getting anywhere with him. So I went out of the building and I waited in the parking lot for Mr. Papadakos.

Now, when he came, it was about 9:30. I stopped him and spoke to him for about a half hour. I asked him with all my seniority in the plant, why I was being laid off.

So he says that he has no soft jobs for me at present.

I says, "What do you mean by a soft job? I could do anything."

So he says, "Well," he says, "in your condition, I don't want to take a chance."

I said, "Well, you could put me as a mail clerk or anything. There is so many jobs."

He said, "Well, I don't want to lay off a mail clerk."

I said, "I am here over four years. He is only here

a couple months. In other words, seniority means absolutely nothing in this place."

MR.LYONS: I move to strike that out as an observation.

TRIAL EXAMINER: Who were you talking to?

THE WITNESS: Peter J. Papadakos, the president of the company.

TRIAL EXAMINER: That's just an observation of the witness.

MR.LYONS: That's right. I ask it be stricken.

TRIAL EXAMINER: Yes. We will strike it.

Q Continue. What did Mr.Papadakos say?

A He said that he can't do anything for me right at the moment but if I would like to go in Allied Maintenance for a job, I would be welcome, hewould take care of it because he has pull, he would get me in.

I said I didn't think I would qualify for a job like that. I asked him that I would like to work back in the company. He should find a place for me. After all I have done for his company.

And he said right at the moment, there is no soft jobs but he will see what he can do about getting me into Allied Maintenance.

q Did he ever speak to you about a job that he was getting for you at Allied Maintenance after that?

A After that, he did not do anything about it at all. He just mentioned that he would try to get me in there and he never got in touch with me at all after that.

TRIAL EXAMINER: I didn't understand the first part of that.

MR. LYONS: I understood he told Mr. Papadakos he did not want the job at Allied Maintenance.

THE WITNESS: I did not say I did not want the job.

TRIAL EXAMINER: I would like to have the last answer of the witness,please.

(The record was read by the reporter.)

MR. LYONS: May I ask that the question before that be read back, the question and answer before that, referring to the conversation with Mr. Papadakos?

TRIAL EXAMINER: Yes.

(The record was read by the reporter.)

MR. LEINER: May Iproceed,Mr.Examiner?

TRIAL EXAMINER: Yes.

Q (By Mr. Leiner) You said that you were employed in the maintenance department in 1960?

A That's right.

Q Did you come in contact with the Papadakos household at that time?

A Yes, I did.

Q For how long a length of time?

MR.LEINER: I have no further questions, Mr. Examiner.

TRIAL EXAMINER: Do you have any questions, Mr. Rubenstein?

MR. RUBENSTEIN: No questions at this time.

TRIAL EXAMINER: Will you return here, Mr. Lodato, at 7 o'clock this evening?

THE WITNESS: If you want me to, yes.

TRIAL EXAMINER: Mr. Lodato, I ask you not to discuss your testimony with anyone.

THE WITNESS: I am under oath. Yes, sir. I am still under oath.

TRIAL EXAMINER: Yes, sir, you are.

THE WITNESS: I will not discuss it.

TRIAL EXAMINER: Very well.

Mr. Damato, will you come up here for just a moment?

(Witness Lodato excused.)

JOSEPH DAMATO

resumed the stand and testified further as follows:

Q (By Examiner Reyman) Mr. Damato, on the day Mr. Dennis took you to the personnel office and you were handed your check by Mr. Robinnette, were yougiven any reason for your discharge?

A Yes. Slowdown of work.

Q Slowdown of work?

A Yes.

TRIAL EXAMINER: Thank you.

DIRECT EXAMINATION

Q (By Mr. Leiner) That you had slowed down or that the company had slowed down in work?

A I had slowed down in work. I had been terminated, not laid off.

TRIAL EXAMINER: Thank you.

(Witness excused.)

TRIAL EXAMINER: We will stand in recess until seven o'clock.)

(Whereupon, at 5:05 p.m., a recess was taken until 7:00 p.m.)

EVENING SESSION

(Whereupon, at 7:00 p.m., the hearing was resumed pursuant to the taking of the recess at 5:05 p.m.)

TRIAL EXAMINER: On the record.

FRANK LODATO

resumed the stand and testified further as follows:

TRIAL EXAMINER: I believe we had finished with the direct examination of Mr. Lodato.

CROSS-EXAMINATION

Q (By Mr. Lyons) Mr.Lodato, did you give a statement tothe National Labor Relations Board?

A I did.

MR. LYONS: May I have it, please, Mr. Trial Examiner?

MR. LEINER: May it please the Examiner, may the record show that counsel for the General Counsel is handing two statements to counsel for the respondent, which statements are statements of Frank Lodato .

Q (By Mr.Lyons) Mr.Lodato, you signed two statements for the National Labor Relations Board, didn't you?

A I think so.

Q And who did you sign the first one for?

A The National Labor Board, I guess.

Q Who was there?

A The union representative, or lawyer.

ruling with regard to the question asked regarding theslowing down of work to which Mr. Rubenstein addressed himself previously.

TRIAL EXAMINER: No, I won't change my mind.

MR. LEINER: Thank you, Mr. Examiner.

MR. LYONS: At this time, I would like to offer in evidence the two statements of Frank Lodato which are now marked Respondent's Exhibits 5 and 6 for identification.

TRIAL EXAMINER: Without objection, Respondent's Exhibits 5 and 6 will be received in evidence.

MR. LYONS: No further questions.

REDIRECT EXAMINATION

Q (By Mr. Leiner) I believe you testified on the cross-examination, Mr.Lodato, that -- I believe you said that on one occasion, when you spoke in the presence of Mr. Bruno about the union, there were other people there?

A Yes.

Q There was a crowd?

A There was a few other people.

Q On that occasion, who else was there?

A Mike Billone and a few of the workers. I can't remember who. Mike Billone was there, too. I don't know if there is anything else I can say on that.

Q I can't hear you.

A To the question that he said about knowing that

Abilities had subcontracted and we knew there was going to be a lay-off, I didn't know there was going to be a lay-off. Work was all even. There was no slack in the work.

MR. LEINER: No further questions.

THE WITNESS: I had no idea that I was going to be laid off.

MR. LYONS: I move to strike that out.

MR. LEINER: I have no further questions.

MR. RUBENSTEIN: I would like to ask one or two questions.

Q (By Mr. Rubenstein) During the cross-examination, Mr. Lodato, by Mr. Lyons, you said that you now recollect that you spoke to two more supervisors about your union activities besides those that you mentioned in the statement.

Do you remember your answer?

A That's right.

Q Can you tell us which supervisor you spoke with?

A Yes.

MR. LYONS: I object to this as improper. Improper redirect and not within the charges of this proceeding.

MR. RUBENSTEIN: May I be heard on it, Mr. Examiner?

MR. LYONS: It was volunteered and I move to strike any portion of it.

TRIAL EXAMINER: Do you know what you are going to

the union?

MR. LEINER: Objection. Improper recross.

TRIAL EXAMINER: Answer the question, please.

A Did anyone force me into --

TRIAL EXAMINER: No, no.

Did you get the impression that Bruno or any other-- well, Bruno is the only one involved, intimidate or coerce you in regard to -- because of your union activities?

MR.LEINER: I object to the question.

A I don't know. How would I know if he did anything about it?

TRIAL EXAMINER: I am asking you if you felt that you were being coerced or intimidated?

THE WITNESS: I don't know what you mean by that.

MR. LYONS: No further questions.

MR. RUBENSTEIN: No further questions.

TRIAL EXAMINER: You are excused, Mr. Lodato.

Thank you.

(Witness excused.)

MICHAEL A. BILLONE

a witness called by and on behalf of the General Counsel, bieng first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your name for the

record, sir?

A Michael A. Billone.

Q Would you spell your last name?

A B-i-l-l-o-n-e.

Q Mr.Billone, where do you reside?

A 19 Viceroy Place, Terryville.

Q Is that in Long Island, New York?

A Yes, sir.

Q When were you first employed by the Gyrodyne Company?

A April 1962.

Q And in what department were you employed?

A Packaging inspection.

Q What was your starting salary?

A $2.25 per hour.

Q Did you ever receive any raises with the company?

A Yes, sir, four.

Q What was your final --

A $2.85 an hour.

Q When did you -- when were you terminated?

A June 19, 1964.

Q Mr. Billone, did you state that your job was package inspector?

A Yes, sir.

Q How many packaging inspectors were there?

A Two of us.

Q Did you receive any special traning as packaging inspector?

A Yes. The Gyrodyne Company send me to Toledo,Ohio for packaging training.

Q Who paid your expenses when you were out there?

A Gyrodyne.

Q How long was the school?

A Two weeks.

Q Would you tell the Trial Examiner what you learned at the school?

A I learned all different types of methods of packaging and preservation of different types of -- cleaning procedures and how to preserve metals and all different types of materials and how to leak test packaging. They showed us, you know, how to use all this equipment that you have to use in the packaging area.

Q Mr.Billone, who runs that shcool or who ran that school?

A The Military does. It is a joint Military Packaging School and it is sponsored by the Military.

Q Who in the company told you that you were being sent out there to attend that school, do you recall?

A Mr. Groff Ward.

MR. LEINER: Excuse me, Mr. Examiner, for a moment, please.

Q Mr.Billone, I show you General Counsel's 15 for identification and I ask you if you know what it is?

A Yes, it is the authorization card I sent into the union with my signature on it.

MR. LEINER: I offer it in evidence.

TRIAL EXAMINER: What is the date on that?

MR. LEINER: January 30, 1964.

MR. LYONS: I object, your Honor.

TRIAL EXAMINER: On the same grounds, I take it?

MR. LYONS: Yes.

TRIAL EXAMNER: General Counsel's 15 is received in evidence over objection of respondent.

(The document heretofore marked General Counsel's Exhibit 15 for identification, was received in evidence.)

Q Mr.Billone, did you ever tell anyone that you had signed a card for the union who was employed by the Gyrodyne Compay of America?

MR. LYONS: I object to the question.

TRIAL EXAMINER: It is awfully broad.

MR. LEINER: As soon as I mention another word, I get an objection because it is leading.

TRIAL EXAMINER: Answer the question.

A Yes, I have.

Q Who did you tell?

MR. LYONS: Can I have the time fixed, please?

Q Who did you tell?

A I told Mr. Bruno and Mr. Zafrano and a few other fellows that were in the same group of the packaging area.

Q When did you tell them?

A Around March or April.

Q Of what year?

A 1964.

Q Did you ever attend any union meetings?

A Yes, sir.

TRIAL EXAMINER: What did you tell them? I am at a loss.

Q What did you tell Mr. Bruno with regard to the card?

A I told him I sent the card in. We had a dispute about the union and I was arguing that it was -- I was in favor of it. And he said, "Well, did you send a card in," and I said, "Yes, I did." I thought at the time we needed the union there the way things were running.

Q Who else was there when you told this to Mr. Bruno?

A I'd say about five fellows that worked right in the packaging area.

Q Where was this?

A Pardon?

Q Where was this? Where did you tell him? Where were you and where was he?

Q Will you tell the Trial Examiner in as short a time as possible but fully what the art of military packaging consists of, if you can?

A Well, everything had to be done by the spec.

Q Please don't use abbreviations because none of us know the jargon of military packaging, so would you just explain it to the Trial Examiner in terms which even I can understand?

A Well, everything had to be done by Mill P116, which is the bible, and everything in here in this particular spec, specification, is telling you exactly how to package the item, how to clean it if it had to be cleaned. It had to be dipped in acid and all this other cleaning fluid, finger print remover. And then wrapped in non-corrosive paper.

Sometimes we had to use a vacuum cleaner on it to withdraw the air on it so it wouldn't rust.

Q Would you tell the Trial Examiner what type of packaging that is called, that you have just described?

A Well, it was considered a Method 2A or 2B. It had to have dessicant in it.

Q What is Method 2A and 2B?

A It is the,part of the military specification.

Q What is 2A?

A 2A was considered a floating bag item. You just used

MR. LEINER: I will limit it in view of the lateness of the hour; I will limit my examination.

TRIAL EXAMINER: Don't let the lateness of the hour worry you. You have to prove your case.

MR. LYONS: I object to the question as already having been answered.

Q (By Mr. Leiner) I would like to know --

MR. LEINER: Is there a ruling on the objection, Mr. Examiner?

TRIAL EXAMINER: Oh, I think it will be taken care of by my comment.

Q (By Mr. Leiner) How long did you work -- how long did you work together with the Navy inspector by the name of Johnathan Rosenblatt?

A About eight months.

Q About eight months?

A Yes, sir.

MR. LEINER: I'm sorry, Mr. Examiner, I don't know if the witness was asked this question. I will ask it again. If it has been answered, I will withdraw it.

Q Did you ever attend any union meetings?

A Yes, sir.

Q How many?

A One.

Q When was that?

A March.

Q Of what year?

A 1964.

Q About how many people were there, do you recall?

A Ten to twelve.

Q When I say "people," I mean employes of the company.

A Ten to twelve.

Q When was the last raise in pay that you received?

A January 1964, the beginning of the year.

Q Mr. Billone, you were terminated on June 19, 1964. Would you tell the Trial Examiner how that came about?

A Well, I was busy watching the packaging men put blades in the blade boxes and I happened to be out in the court yard of Gyrodyne and our supervisor, Mr. Hollowedel,came over to me and told me to come with him and to get my helper, Frank Lodato, and he escorted us across the driveway there into an office, and then he disappeared.

Then Mr. Robinnette told us that they were doing away with the packaging department and this is why we were being laid off, because without a packaging department they don't need packaging inspectors.

Q What did you do then?

A Well, I asked him if I could make a phone call and he refused me. I says, "Well, I have my coat and personal belongings in our particular area,"the area where we worked and he wouldn't let us go and get the stuff.

Mr. Jacowski got my coat and my personal books that were mine that I got from school. Then they gave us our vacation checks and pay checks and then they escorted us out.

Then I made a call from the gate to call Mr. Rosenblatt to tell him that there was no packaging inspector down in the packaging area, that they were doing packaging without anybody watching.

Q Mr. Billone--

TRIAL EXAMINER: Let me go back for a minute.

What did Mr. Robinnette tell you?

THE WITNESS: That they were doing away with the packaging department and this is why they did not need a packaging inspector.

TRIAL EXAMINER: Do I understand that Frank Lodato was let go at the same time?

THE WITNESS: Yes, sir.

Q (By Mr. Leiner) Is it your testimony that there were no other packaging inspectors beside yourself and Lodato?

A Right.

Q I mean on June 19, 1964, there were no other packaging inspectors?

A No, sir, there was no other packaging inspector.

Q Now, I would like to ask you this before you proceed.

MR. LEINER: It is stipulated that Mr. Ward is a supervisor within the meaning of the Act.

MR. LYONS: I object to any conversations initiated by this witness after he was discharged.

TRIAL EXAMINER: I will take a preliminary question to see how far we go.

Q (By Mr. Leiner) When was your conversation with Mr. Ward?

A On June 22, 1964.

Q Will you tell the Trial Examiner what you said to him and what he said to you?

MR. LYONS: Objection.

TRIAL EXAMINER: You called Ward, is that it?

THE WITNESS: Yes, sir.

Q (By Mr. Leiner) Will you tell the Trial Examiner what the conversation is?

MR. LYONS: I object to the question.

TRIAL EXAMINER: Yes, I will let it in.

A I called Mr. Ward to ask him if he knew any reason why I got laid off, and he said no, he didn't know of any reason, but he said he didn't know that they were even going to lay me off. For the simple reason that he told me also that he could have put me in another place, another position in the inspection department, that he would check with Aylward to see if this was all right,

and then Mr. Aylward didn't give him an answer when I called him back. He said my work was very good and he could have placed me somewhere else.

Q Do you recall anything else that occurred in that conversation with Mr. Ward?

A Not much. He just wished me luck and he was sorry to see me go.

Q Do you recall if he said--

MR. LYONS: I object to any further questions--

TRIAL EXAMINER: Don't ask that type of question that you started, please.

Have you related the full conversation between yourself and Mr. Ward over the telephone?

THE WITNESS: Yes, sir.

MR. LEINER: May I have just a half moment, Mr. Examiner?

TRIAL EXAMINER: Yes.

There is a stipulation in here, I think, that Ward is a supervisor, but does it place him in the supervisory heirarchy? Petito has testified that Groff Ward was chief inspector. Is that what you understood him to be?

THE WITNESS: Yes, sir.

MR. LEINER: I have no further questions, Mr. Examiner.

TRIAL EXAMINER: Mr. Rubenstein?

MR. RUBENSTEIN: No questions, but -- I am not going to ask anything.

CROSS EXAMINATION

Q (By Mr. Lyons) Mr. Billone, did you give a statement to Mr. Leiner?

A Yes, sir.

Q When did you give the statement?

A On July 2, 1964.

Q Did you give a statement to anybody else besides Mr. Leiner?

A No, sir.

Q How many statements did you give to Mr. Leiner?

A Two, sir.

MR. LYONS: May I have both of them, please?

MR. LEINER: May it please the Examiner, may the record show that counsel for General Counsel is hereby handing two statements of Mr. Billone to counsel for the respondent.

TRIAL EXAMINER: Take a ten-minute recess, Mr. Lyons, to give you an opportunity to work while we loaf.

(Short recess)

TRIAL EXAMINER: On the record.

Q (By Mr. Lyons) How old were you when you went to work at Gyrodyne, Mr. Billone?

A 28.

Q What did you do before you worked there?

A Kollsman Instruments in Elmhurst.

Q What did you do for them?

A No, sir. He was just a Navy inspector.

Q Was he a friend of yours, too?

A Not personally. Just from -- an acquaintance by dealing with him.

Q Around the work you got to know Jerry pretty well?

A I wouldn't say pretty well. I just knew him because he was there.

Q And Nick Valise?

A No, sir. I just had to go to him with the packaging form.

Q John Rosenblatt?

A The same way.

Q Were you in contact with him every day?

A Yes, sir. Every day we had to go up.

Q Did you discuss your problems with them and they discussed their problems with you?

A No, sir. I didn't discuss the problems. I kept that at home.

Q When was it that you first heard of Abilities, Inc.?

A When I first heard of them?

Q Yes.

A Well, I knew they were in existence but we never dealt with them until I'd say in '64 sometime, we started dealing with them.

Q In March of '64?

A Yes, sir. January to March, yes, sir.

Q Was that in connection with your department?

A Yes, sir. They subcontracted some of the packaging out to Abilities because they could do it cheaper than our men were doing it. And it mostly involved kits which consisted of nuts and bolts.

Q Abilities, Inc. could do it cheaper than Gyrodyne, is that right?

A Yes, sir.

Q Abilities, Inc. is an association of cripples, isn't it

MR. LEINER: Objection.

Q (By Mr. Lyons) If you know.

A Yes, sir. I'm not sure. I don't know what they have altogether there.

Q Well, it's physically handicapped people, isn't it, Mr. Billone?

A From what I heard, yes, sir.

MR. RUBENSTEIN: I object to that as irrelevant, immaterial, not proper cross-examination.

TRIAL EXAMINER: Overruled.

Q (By Mr. Lyons) Have you ever read any literature concerning Abilities, Inc.?

MR. LEINER: Objection to that one, Mr. Examiner.

TRIAL EXAMINER: Overruled.

A Some.

Q It was around November of 1964 that you talked to Mr. Leiner for the second time, is that right?

A That's right.

Q Is that the time that you made changes in your first statement?

A Yes, sir.

Q Who wrote those changes?

A Mr. Leiner did. And I initialed it.

Q Mr. Leiner inserted words in his own handwriting in your statement, is that correct, and I call your attention to the bottom two lines of that statement.

A Yes. But I initialed it knowing that he wrote it there.

Q Did you put the date in, sir?

A No, sir.

Q Did Mr. Leiner put the date in that statement?

MR. LEINER: Mr. Examiner, the statement speaks for itself. I object to the question.

Q (By Mr. Lyons) Did you -- did Mr. Leiner put the date in there?

MR. LEINER: There is an objection.

TRIAL EXAMINER: The statement does not give those circumstances upon which inquiry is now being made.

MR. LEINER: The statement either has the date on it or it doesn't have the date on it.

TRIAL EXAMINER: Don't argue with me. Your objection

THE WITNESS: Yes, sir.

TRIAL EXAMINER: Mr. Lyons just asked you whether or not your other inspector, Mr. Lodato, was with you and you said "no."

THE WITNESS: No, sir. I don't recall him being there.

TRIAL EXAMINER: But there was some other fellows?

THE WITNESS: Yes, sir. Other people that got laid off that weren't involved in the packaging area. We were just down by the union office and we were talking about it.

TRIAL EXAMINER: You were talking about giving statements to a representative of the Labor Board?

THE WITNESS: Yes, sir. We were in the conversation with them. But we didn't see him yet. This was outside.

TRIAL EXAMINER: Before you gave your statement?

THE WITNESS: Yes, sir. We were outside having coffee. Actually it was over a cup of coffee.

TRIAL EXAMINER: This is in November?

THE WITNESS: Yes.

MR. LEINER: I have a question of the --

TRIAL EXAMINER: I am not through yet.

MR. LEINER: I'm sorry.

TRIAL EXAMINER: Let me have the names of any employes you can recall who were engaged in that discussion.

THE WITNESS: Dick Walts, and I can't recall who else was there because him I know, I rode down with him, that's

having been laid off or discharged by Gyrodyne in that period

All right, Mr. Leiner, why would such records be relevant?

MR. LEINER: As we tried to show, Mr. Examiner, the relevance is that respondent has never terminated between 15 or 16 and 35 employees in one day in its entire history, especially within the unit, within the production and maintenance unit.

Wouldn't it be surprising that --

TRIAL EXAMINER: Don't argue. I just want to know why you consider it relevant. I think you have answered me.

MR. LEINER: Thank you, Mr. Examiner.

TRIAL EXAMINER: In other words, you would show the Board the facts stated by you with particular reference to the dates of termination of the employees listed in your paragraph 10 (a), the alleged 8 (a) (3)'s in this case --

MR. LEINER: I would show, Mr. Examiner, that never before in the history of the company have they ever terminated such a number of production and maintenance employees and we will link it in with the timing of the union's organizational effort and we will come out with the answer that they laid off or terminated these employees because of their union activities.

TRIAL EXAMINER: THat's just one segment of an inference that could be drawn, that very fact in itself proves nothing.

MR. LEINER: The company was always in a state of hiring and expanding. They never laid off these many employees.

TRIAL EXAMINER: Even assuming that to be a fact, that's just one factor to be considered.

MR. LEINER: I quite agree. The company can terminate employees for any reason and no reason, except in the case of a prima facie case.

TRIAL EXAMINER: I certainly in this proceeding do not go into matters of defense as to reason for laying off each and every individual between January 1, 1960 and December 31, 1963. I refuse to do it.

MR. LEINER: I am just interested in numbers, Mr. Examiner.

TRIAL EXAMINER: I know but that will simply open up a defense so I have to take testimony regarding - I don't know how many employees and I won't do it.

Now, with respect to the petition to revoke which I assume has been served upon counsel for the General Counsel and counsel for the charging party and filed with me a few moments ago by counsel for the respondent, I shall grant the petition to revoke said subpoena duces tecum--

MR. LEINER: May I respectfully press the right to make an offer of proof, Mr. Examiner?

TRIAL EXAMINER: No, just let me follow this.

Because in my opinion the evidence, whose production is required is not material to the issues of this case, and therefore is immaterial and irrelevant except as to a possible inference which might be drawn by the discharge of employees in a period remote from the issues as framed in this case by the complaint as amended and the answer thereto.

Respondent has alleged a further ground for the petition to revoke that the subpoena is to harass the respondent.

As to that ground of the petition, I don't believe it is necessary for me to pass on in view of my order revoking the subpoena now made. The order now made revoking the subpoena.

MR. RUBENSTEIN: May I note an exception to your ruling, Mr. Examiner?

TRIAL EXAMINER: Certainly.

MR. LEINER: May I make an offer of proof, Mr. Examiner?

TRIAL EXAMINER: Yes.

MR. LEINER: May it please the Examiner, if the documents subpoenaed had been produced, it would show that the

respondent company in the period within the scope of the subpoena,had never terminated nearly so large number of production and maintenance employees at any one time and thereby would lead directly to drawing the inference that the termination of so large a number of production and maintenance employees in theperiods alleged in the complaint was a unique experience in the history of the company.

TRIAL EXAMINER: Have you seen these records yourself, Mr. Leiner?

MR. LEINER: No, Mr. Examiner. I have had conversations with persons that I don't want to go into in the record.

TRIAL EXAMINER: You call those persons as secondary evidence. That's something else again. You can't make an offer of proof in the way you did unless you have seen the documents.

MR. LEINER: I will consider calling the witnesses at that time.

TRIAL EXAMINER: That's the time to make your offer of proof.

MR. LEINER: I think the documents speak for themselves, Mr. Examiner.

TRIAL EXAMINER: You better offer these in evidence, Mr. Leiner. Otherwise, they won't go in.

MR. LEINER: General Counsel hereby respectfully offers in evidence its subpoena duces tecum No. B-62355 issued at Plainview, Long Island, New York, on the 19th day of May, 1965, and respondent's petition to revoke dated May 21, 1965, as General Counsel's Exhibits --

TRIAL EXAMINER: That will be your 16 and 17, I believe.

(Thereupon the documents above referred to were marked General Counsel's Exhibit No. 16 and 17 for identification and received in evidence.)

MR. LYONS: In view of the erroneous statement made in the offer of proof in regard to the previous conduct of the company and this continued statement to the Trial Examiner about these men being discharged in June of 1963, I am sure that all over the record is the fact that this union was outside of the gates of this plant for 18 months and that there have been previous union activity outside of this plant.

I therefore ask that the Trial Examiner admonish the General Counsel's office for continually referring to the fact that there was this immediate termination because of some alleged union activity which had been carried on over a period of years.

TRIAL EXAMINER: As all counsel knows, we took a great deal of time the other day and I considered very

carefully whether or not I should permit evidence to be introduced into this hearing going back to organizing activities up to the time of what I understand was a National Labor Relations Board-conducted election in June of 1962. I ruled that out. And I stated my reasons for ruling it out. And I don't consider for one moment that the statements of counsel for the General Counsel just expressed in his offer of proof which I said was premature, will influence either me or the Board as to the fact that the union was engaged in a long arguing campaign.

I am interested only in the Section 8 (a) (1) and Section 8 (a) (3) alleged violations set up by the pleadings in this case and I will take only evidence which might be a legitimate background with respect to these certain and precise and specific alleged violations of the act by the company in this case.

I feel confident I am right. If I am wrong, the General Counsel knows where his recourse is. He can go straight to the Board on a special appeal or he can file exceptions on my Trial Examiner's decision in the event it goes against him and he desires to file exceptions.

That I will not anticipate but so far as I am concerned and so far as this record is concerned, there is nothing here to show a continuous course of conduct on the part of union representatives which would indicate a

RICHARD WALTZ

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your name for the record,please?

A Richard Waltz.

Q Where do you reside?

A Miller Place.

Q Where is that?

A Long Island.

Q Mr. Waltz, when were you employed by the Gyrodyne Company?

A November 13, 1962.

Q When were you terminated?

A June 19.

Q What year?

A 1964.

Q What were you first employed as?

A Material handler.

Q What did you do as material handler?

A Loaded, unloaded trucks, and moved materials throughout the plant.

Q Who was your supervisor when you were first employed?

A Lou Alfieri.

Q How long did he continue to be your supervisor?

A I guess until January of '64.

Q In January of '64 who became your supervisor?

A Dom Avisano.

Q Who was your supervisor whenyou were terminated?

A Avisano.

Q What was your salary when you first started with the company?

A $1.80 an hour.

Q Did you ever receive any raises?

A Yes.

Q How many raises did you receive?

A Three.'

Q When was the first?

A I believe it was February of '63.

Q And how much?

A 20 cents.

Q When was the next?

A In the summer of '63. I got a quarter.

Q Is that 25 cents an hour?

A 25 cents an hour.

Q When was the last one?

A Tbe last one was, I believe, in February or March of 1964.

Q That was ten cents an hour?

With regard to the quality of your work, were you ever complimented by your supervisors?

A Yes.

MR. LYONS: I object to that as just --

TRIAL EXAMINER: I will let it stand.

Q Who complimented you?

A Both Tony Caliendo and my own supervisor, Dom Avisano.

Q Where was this and when was this?

Will you tell the Trial Examiner what it was about?

A They set up a new warehouse. They built a new building.

TRIAL EXAMINER: When was this?

THE WITNESS: This was, I guess, around the beginning-- around the end of '63. The latter part of '63. I was segregating all the different parts in there and Caliendo even told me I was doing a good job at setting up the warehouse.

And then the day I was terminated, I was told I was doing a good job. I was moving a building from one end of the plant to the other.

Q Would you tell the Trial Examiner-- withdrawn.

Mr. Waltz, did you ever sign a union card?

A Yes.

Q When did you sign it?

A The latter part of '63, '64 sometime.

Q Did you ever attend any union meetings?

A Yes, sir.

Q How many?

A About half a dozen.

Q When was the first one?

A I don't recall.

Q When was the last one?

A In March of '64.

Q Did you ever distribute union cards among your co-employees?

A Yes.

Q How many?

A Probably half a dozen or so. Nine. Something like that.

Q Did you ever have a discussion with any of your supervisors with regard to the union?

A Only once. That was right after that union meeting in March. Alfieri asked me about the union, was I at the meeting.

MR. LYONS: MayI have the date fixed very closely on this, Mr.Trial Examiner?

TRIAL EXAMINER: Give us the date as nearly as you can.

THE WITNESS: The date?

TRIAL EXAMINER: Yes.

Q As best you can. Just as close as you can.

A The beginning of March, I'd say. Close enough?

Q March of what year?

A 1964.

Q What was the conversation? Will you repeat it, please?

A I -- He asked me if I was at the union--

TRIAL EXAMINER: Who are you talking about?

THE WITNESS: Alfieri. He asked me if I was at the union meeting so I said yes. With that, he made a gesture of goodby; that's all.

MR. LYONS: Move to strike out the --

MR. LEINER: Mr. Examiner, I would like you to observe the witness as he makes the motion and will you repeat for the Trial Examiner exactly what Mr. Alfieri said?

THE WITNESS: He just raised his hands and said goodby.

Q Where did this take place?

A In the receiving department.

Q Where in the receiving department?

A At the loading door there.

Q Was anybody else there when he made the remark?

A Nobody else was there.

Q Mr. Waltz, when were you terminated -- withdrawn.

You were terminated on June 19, 1964?

A Yes, sir.

Q Do you remember the man who terminated you?

A In personnel, you mean?

Q Yes.

A Mr. Robinnette.

Q Would you tell the Trial Examiner when and where that occurred and what Mr. Robinnette said to you and you to him?

A That occurred in the personnel office there. He just told me that I was an unhappy employee, that I was grumbling with the tools I had to work with.

I asked him who said that and that was the end of the conversation. He didn't answer.

Q Mr. Waltz, did you ever grumble about your equipment?

A I just asked them for a pair of hooks at one time because I was lifting these heavy machines while they tested them.

Q Did they give you the hooks?

A Yes.

MR. LEINER: No further questions.

Q (By Mr. Rubenstein) Mr. Waltz, it is now over a year--almost a year that you were fired, is that right?

A Yes, sir.

Q I would like you to think back and refresh your memory

as to the exact date when you last attended a union meeting?

A The last day?

Q The last time you attended a union meeting.

MR. LYONS: Objected to as already answered.

A The beginning of March, I said. As close as I could figure.

MR. RUBENSTEIN: No further questions.

CROSS-EXAMINATION

Q (By Mr. Lyons) Did you give statements to anybody after you were discharged, either the representative of the National Labor Relations Board or to Mr. Rubenstein?

A I just gave this gentleman a statement.

Q Did you give him one statement or did you give him two statements?

A Just one.

Q When did you give him that statement?

A I couldn't tell you.

MR. LYONS: At this time, I call upon the General Counsel's office to produce the statement or statements.

TRIAL EXAMINER: What was your answer?

THE WITNESS: I couldn't give him the exact date.

MR.LYONS: I see someone has entered the room.

MR. LEINER: You will have to leave the room. You are not allowed in here until after you testify.

May the record show that I am now giving to counsel for the respondent the statement of Richard Waltz previously sworn to?

MR. LYONS: May I have a short recess?

TRIAL EXAMINER: Certainly.

(Short recess.)

TRIAL EXAMINER: On the record.

Q (By Mr. Lyons) Mr. Waltz, you are a retired fireman of the City of New York?

A Yes.

Q And get pension from the Fire Department?

A That's right.

MR. LEINER: Objection, Mr. Examiner. I ask it be stricken from the record.

Counsel has gone into these extraneous matters before and the record is cluttered with them by now.

TRIAL EXAMINER: Overruled.

Q Did you tell Alfieri "this fucking place will finally be straightened out when the union gets in and I don't need the job? All you and I need is a small job with our pensions."

Did you ever have that discussion with Lou Alfieri?

A You can tell Lou Alfieri he is full of shit. That is from me to you.

TRIAL EXAMINER: Don't you use language like that

Q Well, were there about ten or eleven people at the meeting?

A I wasn't interested in who was there. It was a small number,yes.

Q Was it more than ten or less than ten?

A I don't know. I didn't count them.

Q The union had been in -- campaigning there since January 1963, is that right?

A That's right.

Q And in March of 1964, you went to a union meeting and as you have just described it, it was a small meeting, is that right?

A That's right.

Q And you have been informed that Mr.Billone was at a union meeting in March of 1964, and there were eleven or twelve people at it?

A I haven't been informed.

Q Can you recall whether you saw Mr.Billone at that meeting?

A I don't know. I can't recall.

Q And that was the last meeting you attended, is that correct?

A Yes, sir.

Q You are sure about that?

A Pretty sure.

Q And you spoke right out at that time, didn't you?
A That's right.
Q And you continued to speak out in favor of the union campaign continually through June of 1964, is that right?
A To different individuals, yes.
Q And right in the plant?
A In the plant.
Q During a break on working hours, when you got in there?
A That's right.
Q And you know Mr. Roman?
A Sure I know Mr. Roman.
Q And he is a retired fireman like yourself?
A Exactly.
Q He was around handing out cards and signing up people, too, is that right?
A As far as I know.
Q And he was very outspoken about it?
A That I don't know because I wasn't working with him.
Q You worked around Mr. Alfieri, didn't you?
A Yes, but Pete Roman was a driver. When he was there, I may have been in other parts of the plant. I didn't hear him talking to others about that.
Q Let me ask you this. Did the conversations you had with Alfieri, didthey take place in the --

MR. LYONS: I didn't ask you that, did I, Mr.Waltz? May I call the Trial Examiner's attention to the comma added after "union."

I ask that the Trial Examiner read the first sentence as if it were ended in a sentence and then to read that comma that's been superimposed over the period.

TRIAL EXAMINER: When did you add this? Was it July 2nd, these words, "except with Louis Alfieri in around"-- when did Mr. Leiner write this --"he asked me" and so forth.

THE WITNESS: I guess Mr.Leiner must have added that.

MR. LEINER: He asked you when.

THE WITNESS: In March. In March, '65.

MR. LYONS: May I call the Trial Examiner's attention to the fact there is no date other than sworn to on July 2-

TRIAL EXAMINER: It is obvious, at least it seems obvious to me that the words "except with Louis Alfier in around March, 1964. He asked" -- and then over to the left of the page -- "me if I had gone to a union meeting the night before. I told him I had gone. He made a common gesture and sound "weeeeeeee. He then said goodby." The initials RLW.

As I understand it, these words are inserted after

Q But no place at that time did you referto that in your conversations with Mr.Leiner, even though he asked you about it, is that right?

A That's right.

MR. LYONS: No further questions.

MR. LEINER: No further questions.

TRIAL EXAMINER: Mr. Rubenstein?

MR.RUBENSTEIN: No.

TRIAL EXAMINER: Thank you, Mr. Waltz, you are excused.

(Witness excused.)

MR. LEINER: May it please the Examiner, it is now 12:35 and I make a motion we adjourn for lunch.

TRIAL EXAMIENR: You may make the motion but I prefer to adhere to the schedule laid down last week.

MR. LEINER: I will be happy to call the next witness, Mr. Examiner.

JONATHAN J. ROSENBLATT

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your name for the record, please?

A Jonathan J. Rosenblatt.

Q Where do you reside?

A 6 Peppermint Road, Commack, Long Island.

Q By whom are you presently employed?

A By the Bureau of Naval Weapons Representative, Bethpage, Long Island.

Q Were you ever the -- a naval -- an employee of the United States Navy Department at the Gyrodyne Company of America?

A Yes, sir.

Q When were you first so employed?

A In September, 1963.

Q When did you cease being employed by the Navy at Gyrodyne?

A November '64.

Q When you went to Gyrodyne in September '63, what was your job?

A I was inspector -- my title was Inspector, Air Craft Electronic Systems.

Q In fact, what did you inspect?

A Well, primarily I was an avionics inspector in the receiving department. Also the shipping inspector and secondarily I did final inspection of the aircraft as well as flight test, witnessing of flight tests.

Q Mr. Rosenblatt, did there come a time when you were detached for a short time from Gyrodyne to attend a school?

A Yes.

Q When were you so detached?

A I believe it was the spring of '64. I don't know the exact date.

Q What was the school that you attended?

A Joint Military Packaging School.

Q Where is that? Where was it when you attended it?

A Aberdeen, Maryland.

Q Do you know whether it at one time had been in another place?

A Yes.

Q Where was it?

A Toledo, Ohio.

Q WDo runs that school?

A The Government. It is Joint Military.

Q When you were there, what course did you take?

A Military preservation and packaging.

Q How long a course was it?

A Two weeks.

Q Did you then return to the Gyrodyne Company?

A Yes.

Q What was your job at that time?

A The same.

Q I show you now General Counsel's 8 in evidence which is titled MIL-P-116 D and I ask you -- and it says Military

Specification, Preservation, Methods of, and ask you if you know what it is?

A This is the specification for preservation that was a requirement of the contract with Gyrodyne at the time.

Q That the Gyrodyne packaging be --

A -- be in accordance with this specification.

Q Now, as a matter of fact, Mr.Rosenblatt, was it in fact followed?

MR. LYONS: I object to this.

MR. LEINER: These are all preliminary questions.

TRIAL EXAMINER: All right, counsel says they are preliminary. Answer the question.

A Will you repeat thequestion again?

Q Were the specifications in General Counsel's 8 actually followed in the packaging and preservation by the company?

A Yes, they were.

Q Who saw to it that they were followed?

MR. LYONS: I object to it, your Honor.

TRIAL EXAMINER: Yes, it is a rather vague question.

MR.LEINER: I will withdraw the question.

Q Who on the part of the company, if you know, saw to it that the injunctions of General Counsel's 8 were in fact followed by the company in packaging and preservation?

MR.LYONS: I object. Same question asked in a different way. Immaterial and irrelevant to this proceeding.

TRIAL EXAMINER: Well, I don't know what you mean by the question, Mr. Leiner. Who saw to it and so on. It seems to me --

MR. LEINER: I withdraw thequestion.

Q Were there packaging inspectors employed by the company?

A Yes, there were.

TRIAL EXAMIENR: Were you responsible to any one in company management for the performance of your duties?

THE WITNESS: Absolutely not.

TRIAL EXAMINER: You were independent and free from company supervision?

THE WITNESS: Absolutely.

TRIAL EXAMINER: Who did you communicate with in regard to this work being done by the company in the course of your duties, who did you talk to at the company?

THE WITNESS: The packaging inspectors. Everybody in quality control for the company. Inspection and quality control.

Q Who were the packaging inspectors for the company that you dealt with in particular?

MR. LYONS: Could I have the time fixed?

MR.LEINER: I would like to get the question so I can

fix the time. These things are mutually dependent.

TRIAL EXAMINER: All right.

MR.LEINER: Would you repeat the question to the witness?

TRIAL EXAMINER: Who were the inspectors at various times?

A At first there was Mr. Michael Billone. And Mr. Frank Lodato.

Q When did you deal with them?

A From the time I arrived there until the 19th of July, 1964.

Q I ask you, are you confident of that date?

A Yes. I am confident of that date.

Q Well, they were terminated on June 19th --

A Oh, June, I'm sorry. Correction. 19th of June.

TRIAL EXAMINER: Was that Billone and Lodato, did you say?

THE WITNESS: Yes, June 19th.

TRIAL EXAMINER: Did you say Lodato?

THE WITNESS: Lodato.

Q Is it your testimony that you observed -- withdrawn.

How often did you come in contact with Billoneand Lodato during the time that they were packaging inspectors?

A Almost daily.

Q Did you observe them at work?

A Yes, I did.

Q What was your conclusion with regard to the ability of Michael Billone as a packaging inspector?

MR.LYONS: I object tothe question.

TRIAL EXMINER: Yes. You haven't laid a foundation for that. A sufficient foundation, put it that way.

Q Well, did you know anything of Michael Billone's backgrourd as a packaging inspector?

TRIAL EXAMINER: How is the work interrelated and so connected and what are Mr. Rosenblatt's qualifications to judge the efficiency of a man working for another company just by working in the packaging department.

Those are the things that are essential to be known before we can judge whether or not Mr. Rosenblatt could testify as to their competency and the calibre of work.

Q Mr. Rosenblatt, how long did you engage in packaging inspection forthe Navy after you returned from school?

A From that period on until I left Gyrodyne which would be November, '64.

Q And what did they teach you at that school?

MR.LYONS: I object to all this.

MR. LEINER: You wanted a foundation.

TRIAL EXAMINER: No,I'm not interested in rehashing the thing. We know that Mr. Rosenblatt was at this Joint Military Packing School at Aberdeen, Maryland for two

wouldn't make any difference if they were competent or not if the work gave out and the jobs were eliminated.

MR.LEINER: May we go off the record for a minute, Mr. Trial Examiner?

TRIAL EXAMINER: Yes.

(Discussion off the record.)

TRIAL EXMAINER: Back on the record.

Q Mr. Rosenblatt, did you receive a telephone call from Mr. Billone on June 19, 1964?

MR.LYONS: I object to any telephone call made after the termination that was testified to the other day. It is not binding on this respondent.

MR.LEINER: We will link it up immediately, Mr. Examiner.

TRIAL EXAMINER: All right, I'll let it in on that premise.

A Yes.

Q Would you tell the Trial Examiner what Mr. Billone told you?

MR. LYONS: I object to the statement of Mr.Billone.

TRIAL EXAMINER: I am taking it subject to a motion to strike. I can't imagine how it can be binding on the company.

A He advised me that he and Mr.Lodato had just been terminated and he was concerned that there was no inspection

coverage for the company.

Q What did you do then?

A I immediately telephoned the shipping department to verify whether or not they had indeed been terminated and when told that they were not around -well, that was the end of it.

Q What did you do then?

A I went to the shipping department to verify it for myself, andpromptly instructed them that there would be no more preservation and packaging until they had inspection coverage.

Q When did you telephone the department and when did you go down and visit them with regard to Billone's telephone call? I am talking about time now.

A Immediately thereafter I te-ephoned and shortly thereafter went down in person.

Q Was it on the same day?

A Same morning.

Q What did the company say with regard toyour statement that there should be no further packaging -- who did you speak with in packaging and preservation?

A I don't remember exactly.

Q Who were the supervisors at that time inpackaging?

TRIAL EXAMINER: If he doesn't remember who he talked to, it doesn't make anydifference who the supervisors

MR. LEINER: I want to know if they stopped first. I haven't reached that question yet.

TRIAL EXAMINER: All right, go ahead.

Q (By Mr. Leiner) Did they stop packaging when you told them not to package?

A Yes, they did, to the best of my knowledge.

Q That was on what day of the week, do you recall?

A It was on a Friday.

Q Will you tell the Trial Examiner what happened on the following Monday?

A On the following Monday, I went to the shipping department and I was told that Mr. Mastrangelo would be covering inspection forthe company.

Q What job did Mr. Mastrangelo have?

A He was an avionics inspector.

Q Prior to the time of the termination of Billone and Lodato, had you ever seen Mr. Mastrangelo do packaging inspection?

A No.

Q When was the first time you saw him do packaging inspection?

A On Monday, the 22nd of June.

Q As far as you know, what job did Mr. Mastrangelo do?

A He was in the receiving department of Avionics, which is electronics equipment and he inspected what you

might call bits and pieces. Thatwas his primary function.

Q Starting on the 22nd, what job did he do?

A His --

Q I mean by that, the 22nd of June, 1964.

A He did shipping inspection in addition to his other functions.

Q What had Mr. Billone done prior to his termination?

A He was packaging,preservation,and shipping inspector.

Q What did Mr. Lodato do prior to his termination?

A The same as Mr. Billone.

Q What job did Mr.Mastrangelo do when he started to dothe packaging inspection on the 22nd?

A He was preservation, packaging and shipping inspector as well as avionics inspector.

Q Is it your testimony that Mr. Mastrangelo did the same job as Messrs. Billone and Lodato?

MR. LYONS: I object to the question.

TRIAL EXAMINER: You may answer.

A Would you repeat that again?

Q Did Mastrangelo, commencing on the 22nd of June, 1964, do the same work that Billone and Lodato had done on the 19th, prior to their termination?

A What exactly do you mean by the same work?

Q What different things did -- what different things, if any, did Mastrangelo do in the packaging department that Billone and Lodato had done?

A It's a little difficult to answer that. His functions were the same. In other words, his duties were the same.

Q Did he do the same things that Billone and Lodato had done in the packaging and preservation department?

A He was not -- I don't believe he was qualified to do them as thoroughly.

MR. LYONS: I object and move to strike that out.

TRIAL EXAMINER: Motion granted.

What counsel is trying to find out is whether or not what's his name - Mr. Mastrangelo - did the same work that had been done by the other men. The identical job.

THE WITNESS: I guess the answer to that would be yes, he did the identical job.

Q (By Mr. Leiner) Do you know the name Joe Mullins?

A Yes.

Q Would you tell the Trial Examiner who Joe Mullins is or was, to the best of your knowledge, on or before June

19, 1964?

A He was an inspector in the final assembly area.

Q Had you ever seen him prior to June 19th do packaging inspection?

A No.

Q Commencing June 22, 1964, did you see Joe Mullins in the packaging inspection department?

A I do not -- I do not recall any exact date that I saw him.

Q When was the first time that you recall seeing him?

A Several days later.

Q What job was he doing?

A He was a packaging inspector for certain portions of the job.

Q What portions were those?

A The packaging of the helicopter itself. The blades and transmissions.

Q Who had done that work prior to Mr. Mullins doing it, that package inspection for the company?

A Billone and Lodato.

Q During the period June 22nd to the time of your ceasing to be employed by the Navy at Gyrodyne, who did the package inspection for the company in the package inspection department?

A From the 22nd on?

Q Mr. Rosenblatt, are you familiar with the term "heat seal"?

A Yes.

Q Did you have a discussion with Mr. Mastrangelo with regard to heat sealing?

A Yes.

Q Would you tell the Trial Examiner when that was and what the subject matter of the conversation was?

A Again, it would have been in late June.

Q Of what year?

A Of '64. And I brought to his attention the requirement for a checking, a daily check of the heat seals which was not being accomplished and not being recorded.

Q Have you ever had similar problems with Messrs. Billone and Lodato?

MR. LYONS: I object to the question.

TRIAL EXAMINER: You may answer.

A No, I did not.

MR. LEINER: General Counsel calls for the respondent to comply with the subpoena and subpoenas previously served on it with regard to Item 10 of the subpoena on page 2 of the rider, which calls for copies of all correspondence, United States Navy's Bureau of Naval Weapons Representative or his staff in the period of June 1, 1964, through December 31, 1964, relating to

We are getting into this irrelevant, immaterial phase that I say it too far afield to be admissible under the charges as filed in this case.

MR. LEINER: That's the self-serving answer in Respondent's 18. It is not part of Mr. Rosenblatt, Mr. Examiner.

TRIAL EXAMINER: Will you please proceed on another line of inquiry?

MR. RUBENSTEIN: I except to your ruling, Mr. Examiner.

Q (By Mr. Leiner) Mr. Rosenblatt, prior to June 19, 1964, will you tell the Trial Examiner how much time you spent per day or per week in the package inspection department?

A I would say between 20 and 30 percent.

Q Of your total working time?

A Yes.

Q Commencing June 22nd and thereafter how much time did you spend in the package inspection department?

A I would say around 70 percent.

Q What were you doing in the package inspection department with regard to the 70 percent of your total time--

MR. LYONS: I object to this; irrelevant, immaterial, incompetent.

TRIAL EXAMINER: Sustained.

MR. LEINER: No further questions, Mr. Examiner.

MR. RUBENSTEIN: No questions.

CROSS EXAMINATION

Q (By Mr. Lyons) Mr. Rosenblatt, did you give a statement of your testimony to anybody before this trial?

A Yes, I did.

Q Who did you give it to?

A To Mr. Leiner.

Q How many statements did you give him?

A One.

Q Did you give a statement to anybody else?

A No.

MR. LYONS: May I have the statement, please?

MR. LEINER: Mr. Examiner, may the record show that General Counsel hands herewith to counsel for the respondent the statement of Jonathan Rosenblatt.

Mr. Examiner, I just wanted to call your attention to the fact that General Counsel's 20 in evidence was not supplied by the respondent in answer to the subpoena but came from General Counsel's files.

Thank you, Mr. Examiner.

Q (By Mr. Lyons) Mr. Rosenblatt, at the time you gave this statement to Mr. Leiner, did he ask you whether you ever heard any superiors or lead men at Gyrodyne discuss the union?

A Did he ask me that?

A No.
Q (By Mr. Lyons) Did you have lunch around the plant, Mr. Rosenblatt?
A Not generally.
Q During the coffee breaks during the day with the men?
A Yes.
Q And you knew the men intimately, didn't you?
A A matter of degree.
Q Let's take Mike Billone. You knew him intimately, didn't you?
A As I say,"intimately"is a relative remark.
Q Let's say you were very well acquainted with him, is that correct?
A I was very well acquainted with him is a better way of putting it.
Q You and he were good friends, is that right?
A Again, this is a relative term. I don't know what you mean by "good friend." I did not associate with this man in general outside of work.
Q During the time you were at work did you have conversations with him?
A Oh, yes.
Q Concerning the school you went to and that he went to?
A Yes.
Q And you had coffee breaks with him and sat around

generally in bull sessions with him at work?

A Yes.

Q And during all this time up until the day he was terminated, you never heard Mike Billone say anything about the union, is that correct?

A That's correct.

Q Can you tell me this: When he called you on the telephone after he was terminated he never said anything about the union to you, did he?

A As I recollect it, he didn't.

Q You remember that in the packaging department there was a subcontractor that was hired, is that right?

A That's correct.

Q A contract was entered into, is that correct?

A I was not directly aware of it; only by hearsay.

Q Indirectly were you aware of it?

A Yes.

Q When was the first time that you heard of the contract between the Abilities, Inc., if that is the correct company that did the subcontracting, and Gyrodyne?

MR. LEINER: Objection. This goes to a matter of defense, Mr. Examiner. It was not raised with the witness's testimony.

MR. LYONS: May I be heard before your Honor rules on this?

TRIAL EXAMINER: No. I am going to overrule the objection.

Q (By Mr. Lyons) When was the first time, Mr. Rosenblatt, that you heard of Abilities, Inc., as the subcontractor for packaging at Gyrodyne?

A I can't give you an exact date, but I was aware of the fact that they were doing a portion of the packaging.

Q And that was in -- could I refresh your recollection by asking you if that was some three or four months before June 19th?

A I would say roughly yes.

Q Do you know what Abilities, Inc. is?

A It's a group of disabled employes, as I understand it, who work in packaging as well as some other work for -- they did some other work for Gyrodyne on cables. I don't remember the dates on that.

Q How familiar are you with the work that Abilities, Inc. were doing three or four months before June 19th?

A We would inspect the packages when they came back to Gyrodyne.

Q Do you know whether they were -- entered a bid for the subcontracting work?

A I am not aware of bids.

Q Did you ever have a conversation regarding cost reductions as far as Abilities, Inc. was -- as far as

Q Where is the receiving department located?
A In the same main building that I referred to previously.
Q Was that in conjunction with Mr. Mullins' work?
A No, it's a separate area.
Q Entirely different area?
A Yes.
Q What did his work consist of?
A Generally it was called bits and pieces which was any odd inspection which was one of a kind, two of a kind, rather than a quantity involved.
Q After June 19th did Mr. Mastrangelo still do bits and pieces?
A Yes, he did.
Q Did he work in the same area he had worked before June 19th?
A Yes, but he had additional duties.
Q He took on additional duties as part-time inspector of packaging, is that correct?
A That's correct.
Q In addition to the duties he carried on before, is that right?
A That is correct.
Q Before June 19th Mr. Billone and Mr. Lodato devoted all of their time to packaging inspection, is that correct, sir?

what happened when the packages came back from Abilities, Inc. to Gyrodyne; do you know?

A It was the responsibility of Gyrodyne to inspect them and stock them or ship them out.

Q What did they do when they inspected them?

TRIAL EXAMINER: Mr. Leiner, I don't want to get into all this manual and physical detail of inspection. I won't do it.

MR. LEINER: I wanted the witness to elicit testimony that in fact when the packager, meaning Abilities, Inc.--

TRIAL EXAMINER: It was sent out to Abilities, Inc. It was sent back. The company inspected it. They approved or they did not. It was shipped.

MR. LEINER: Thank you.

TRIAL EXAMINER: I believe you are excused, Mr. Rosenblatt. Thank you.

(Witness excused)

TRIAL EXAMINER: Take a ten-minute recess.

(Short recess)

TRIAL EXAMINER: On the record.

MR. LEINER: Mr. Powell.

STEWART POWELL

a witness called by and on behalf of the General Counsel, being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state--

MR. LYONS: May I, before the witness is questioned, request the Court to let Mr. Curley act in my behalf with this witness?

TRIAL EXAMINER: Yes, sir.

Q (By Mr. Leiner) Would you state your name, please?

A Stewart Powell.

Q Where do you reside, Mr. Powell?

A 474 Shore Drive, Oakdale, Long Island.

Q Mr. Powell, when were you hired by the Gyrodyne Company?

A In October, 1963.

Q When were you terminated by that company?

A June 30, 1964.

Q What was your job when you were hired in October, 1963?

A Mechanical inspector.

Q What was your job when you were terminated on the 30th?

A Mechanical inspector.

MR. LEINER: Would you mark this for identification as General Counsel's 21, please?

(Thereupon the document referred to was marked General Counsel's Exhibit No.21 for identification.)

Q (By Mr. Leiner) Mr. Powell, I show you General Counsel's 21 and ask you if you can identify it.

A Yes, sir.

Q Would you tell the Trial Examiner what it is, please?

A This is a card I signed and sent to the union.

MR. LEINER: I offer it in evidence, Mr. Examiner.

MR. CURLEY: Respondent objects to the introduction of this card on the same grounds given for prior cards.

TRIAL EXAMINER: Yes. General Counsel's Exhibit 21 will be received over objection.

(General Counsel's Exhibit No.21 for identification was received in evidence.)

TRIAL EXAMINER: What's the date on that card?

MR. LYONS: November 13, 1963.

Q (By Mr. Leiner) Did you ever speak to any other employes about the union in your department?

A Yes. I spoke to most everyone in the department except for Buddy Hauck and Groff Ward.

Q Did you ever speak to any lead men with regard to the union?

A Yes, I did.

Q Who did you speak to?

A Roland Bacchus, Bernie LeBrun, Tom Bousquet. Those are the only lead men I spoke to.

MR. CURLEY: May we have the witness set the date of these alleged conversations, Mr. Trial Examiner?

TRIAL EXAMINER: Yes.

A These were continuous over the period of time I was

working there. Whenever we had a free minute at lunch time we would discuss this.

Q What did these various lead men say about the union?

MR. CURLEY: I object to that, Mr. Trial Examiner, on the ground there is no foundation laid for these lead men being supervisors.

MR. LEINER: I withdraw the question.

Q (By Mr. Leiner) You mentioned the name Bacchus..

A Yes.

Q Will you tell the Trial Examiner what department this was in?

A This was in final inspection, Building 1.

Q Will you tell the Trial Examiner what Mr. Bacchus did with respect to your job?

A Mr. Bacchus assigned me work. He could change jobs. He also helped get me a raise. He put me on the casting job, which I thought was very important.

Q Did you ever discuss the union with him?

A Yes, I did.

Q Will you tell the Trial Examiner where and when the discussions took place and what Mr. Bacchus said to you and you to him?

MR. CURLEY: Mr. Trial Examiner, may I point out Mr. Bacchus is not named in the complaint or the amended complaint or bill of particulars.

TRIAL EXAMINER: Yes. Well, I -- following the ruling I made the other day, I have been taking testimony regarding so-called lead men as being supervisors subject to further proof, and I have also been taking the testimony of 8(a)(3)s regarding conversations had by them with who are said to be supervisors. So I will continue that over your objection, of course.

THE WITNESS: Shall I continue?

TRIAL EXAMINER: The question is when you had these conversations with Bacchus and what you said.

A We had a few. I don't remember the dates. Whenever we had a free minute to talk, and I had mentioned that I thought that the union might improve wages, might help the employes, and he said he was definitely against it because he has been through union negotiations I guess before.

That's about it, I guess.

Q You were terminated on the 30th, you say.

A Yes.

Q Do you remember the personnel department employee who terminated you?

A Tom Barnes.

Q Was this in the morning or the afternoon that you were terminated?

A This was on a Tuesday morning.

Q Were you at work on June 29th?

A I was at work until 3 o'clock. I was sick and I went home early.

Q Did you report for work on the 30th?

A Yes, I did.

Q Will you tell the Trial Examiner what happened on the 30th of June, 1964?

A They wouldn't let me in the gate and the guard called Warren Hauck, you called him Buddy Hauck; Buddy came out and said that I was terminated, and then he brought my tool box out and he made me open it and I checked it and said I would have to go up to personnel to receive my pay and everything. They wouldn't let me go through the gate so I had to go all the way around the outside and Tom Barnes came out and brought everything out to me and told me that I was being terminated because they were cutting down on the work force.

Q Thereafter did you have a conversation with Mr. Bacchus?

A After I was terminated?

Q After you were terminated.

A Yes, I did.

MR. CURLEY: I object to this, Mr. Trial Examiner, on the grounds previously enumerated.

TRIAL EXAMINER: Yes, I will let it in.

Q (By Mr. Leiner) Would you tell the Trial Examiner when

and where you had the conversation and what the substance was?

TRIAL EXAMINER: This is after June 30th?

MR. LEINER: Right.

A I had sold Roland Bacchus a boat--

Q (By Mr. Leiner) When was this?

A I believe it was in June.

Q Of what year?

A Of '64.

Q When was this conversation that you had with him after you were terminated?

A About the second week of July '64.

Q Would you tell the Trial Examiner where it took place?

A It took place at my address and we were out in the back and I was helping him set up his boat and I asked him, I said, "After you put me on the transmission job and I thought it was a good job, why did I get laid off, especially after you just got me a raise?"

And he told me, "Well, you got involved."

Then I asked him "I got involved with what?"

He looked at me and he said "You know what I'm talking about."

I assumed from that, that--

MR. CURLEY: I move to strike any assumptions by the witness, Mr. Trial Examiner.

A I didn't assume. I let it go at that.

TRIAL EXAMINER: Yes. I know it's an assumption. For what it's worth.

What was it Bacchus said to you, that you had gotten involved?

THE WITNESS: Yes, that's all. I can't remember him saying anything more.

Q (By Mr. Leiner) When he said you got involved, what did you say to him?

A I asked him,"What are you talking about?"

He looked at me and he said "You know what I'm talking about."

That was it.

Q Did he mention the word "union"?

A Not to my recollection.

MR. CURLEY: I object to that.

MR. LEINER: I had a good idea that he did not. I justwanted to put it on the record.

TRIAL EXAMINER: You got it there, all right.

MR. LEINER: No further questions.

CROSS EXAMINATION

Q (By Mr. Curley) Mr. Powell, did you sign a statement for the National Labor Relations Board or a representative of it?

A For the union, sir?

THE WITNESS: If counsel doesn't mind, I will. My wife and I run the boat yard.

Q (By Mr. Curley) While you were employed at Gyrodyne, were you ever given a reprimand?

A Yes, sir, I was.

MR. CURLEY: No further questions.

REDIRECT EXAMINATION

Q (By Mr. Leiner) Mr. Powell, was the reprimand given you by the company substantially true?

A No, sir. I wouldn't sign the reprimand. They told me I had to sign it. I wouldn't sign it. The only fact in there that was true was one fact out of the whole thing. So they never did anything.

MR. LEINER: Thank you. I have one further question.

Q (By Mr. Leiner) Mr. Powell, at the time that you were terminated, were there other mechanical inspectors with less seniority than you still in the employ of the company?

A Yes. One with as little as two weeks, I believe.

Q When was the last one hired that you know of?

A One fellow was hired one week to two weeks before I was laid off.

Q And were there other mechanical inspectors with less seniority than you--

A Yes, sir.

Q --still in the employ of the company at the time you were terminated?

A Yes, sir.

Q Do you know any of their names?

A Yes, sir. James Koch, Sal Taruso, Wayne Smith.

MR. CURLEY: I must object to the question on the grounds it is improper redirect.

TRIAL EXAMINER: Yes, it does come a little late. I will take it.

If I understand this question correctly, and I am not sure I do, it is concerning other employes?

MR. LEINER: Other mechanical inspectors.

TRIAL EXAMINER: Who were laid off?

MR. LEINER: Who were never laid off. Who were kept in employment when he was laid off with less seniority.

TRIAL EXAMINER: There is no such thing as seniority as far as I know. If you are talking about length of service, that's one thing.

I will permit it.

How many of them did you say there were, six?

THE WITNESS: There were four.

TRIAL EXAMINER: Will you give us their names?

THE WITNESS: Sal Taruso, James Koch, Wayne Smith and the fellow that was the newest fellow, and I don't remember his name, but I believe the company would have

a record of him.

Q (By Mr. Leiner) Do you remember what he looked like?

A Yes.

Q Would you describe what he looked like, please?

A Short, grayish hair, an older fellow. I wouldn't gamble as to what race or religion he was.

Q Where did he work, did you ever see him at work?

A Yes, he worked across from me on the other wall.

Q In what department?

A Same department as mine.

Q What building?

A Same building.

Q What work area?

A Same work area.

Q Where did you work?

A Final inspection, Building 1.

Q Was there any particular landmark in the building to which we can refer to place this man?

A Two benches from me on the other side.

Q How many mechanical inspectors were employed at that time?

A Can I venture a guess?

Q To the best of your ability. At or about June 30th.

MR. CURLEY: I object to guesses being on the record. The witness is prepared to guess.

THE WITNESS: I will take the time, sir, to figure it out.

Q (By Mr. Leiner) Would you do that, please, Mr. Powell?

A Nine, sir.

Q There were nine mechanical inspectors in your area at the time you were terminated?

A Yes, sir.

MR. LEINER: Thank you. No further questions.

Q (By Mr. Rubenstein) Mr. Powell, you testified about three lead men, Bacchus, LeBrun and Bousquet.

Can you tell us what Mr. LeBrun was doing?

A What was he doing?

Q Yes, in the plant.

A He was a lead man, sir.

Q As a lead man what was he doing?

MR. CURLEY: Mr. Trial Examiner, there is no allegation concerning Mr. LeBrun. It is the first time his name has been mentioned in the hearing and it is certainly in a very collateral way and I think it is a waste of time to go into this. It's merely fishing.

MR. LEINER: If respondent produced the goods subpoenaed, Mr. Examiner, it wouldn't be fishing. Mr. LeBrun's name is on the list, along with the other lead men. We wouldn't be at this disadvantage and this roundabout proof.

TRIAL EXAMINER: I am going to think your list is a fishing expedition if you want my honest thoughts on the matter at the moment because the more we refer to the list the less I find it in the way of usefulness.

MR. LEINER: It has been in existence since March, Mr. Examiner, and served upon the respondent in April.

TRIAL EXAMINER: I understand. What are you inquiring into now, the duties and responsibilities of LeBrun?

MR. RUBENSTEIN: Of the three lead men or one, and knowledge of some of the lead men as to his union activities.

TRIAL EXAMINER: Oh, I don't know. We are just engaging on a long, long fishing expedition here. You have in your complaint, in the complaint before you the names of foremen and the names of persons who are alleged to have committed these unfair labor practices who could bind the company. Now we are going into the proof of what Joe LeBrun did because he was a lead man because if he did that, then it follows that somebody else did the same thing.

I don't think we will get anywhere that way.

I sustain the objection.

MR. RUBENSTEIN: I respectfully except from your ruling.

TRIAL EXAMINER: Yes, sir.

Q (By Mr. Rubenstein) Mr. Powell, did you attend union meetings? I think you testified to that.

A No, sir, I didn't attend union meetings.

Q Did you ever have a conversation with Bernie LeBrun about a union?

A Yes, sir.

Q Can you give us the approximate time of your conversation with him?

A I was at the plant a month. I got to know Bernie and we were talking about union and he was all in favor of it.

Q Did you tell him that you joined the union?

A Yes, I did.

Q Did he tell you that he joined the union?

A He wouldn't tell me.

Q Do you know whether Mr. LeBrun is still working?

A Yes, sir, I believe he is still working there as a lead man.

MR. RUBENSTEIN: That is all.

RECROSS EXAMINATION

Q (By Mr. Curley) Did you receive unemployment insurance benefits after your separation from Gyrodyne, Mr. Powell?

MR. LEINER: Mr. Examiner--

TRIAL EXAMINER: I don't see the materiality of that, Mr. Curley. I really don't. Something brand new here and I don't want to go into it unless you have a real reason for it.

MR. CURLEY: It is just a simp le yes or no answer, Mr.

Examiner.

TRIAL EXAMINER: I think I will sustain the objection to that.

Any further questions?

Q (By Mr. Curley) Did you work in the boat yard after you were let go from Gyrodyne?

MR. LEINER: I think that's too late.

TRIAL EXAMINER: It's the same thing.

MR. CURLEY: I have no further questions.

TRIAL EXAMINER: Thank you , Mr. Powell, you are excused.

(Witness excused)

MR. LEINER: Mr. Examiner, may we have five minutes?

TRIAL EXAMINER: Yes, take five minutes.

(Short recess)

TRIAL EXAMINER: On the record.

RICHARD S. THOMPSON, Jr.,

a witness called by and on behalf of the General Counsel, being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your name for the record, please?

A Richard A. Thompson, Jr.

Q Where do you reside, Mr. Thompson?

A 4922 Hargrove Road, Camp Springs, Maryland.

Q Mr. Thompson, by whom are you employed?

A By the Navy Department, Bureau of Naval Weapons.

Q Where are you employed, Mr. Thompson?

A Washington, D.C.

Q How long have you been employed by the Bureau of Naval Weapons?

A Approximately five years.

Q Does the abbreviation BuWep mean anything to you, or BuWeps?

A Yes.

Q What does that mean?

A Bureau of Naval Weapons.

Q What is your job -- what has been your job in the period January 1960 through the present time?

A I have been a contract negotiator and a contracting officer.

Q What is a contract negotiator and a contracting officer?

A A contractor negotiator is a person who negotiates contracts and the terms of the contracts and price with the contractor. Some of the contract negotiators have contracting officer authority, some do not.

Q What is contracting officer authority?

A It ranges -- mine is approximately the same as the BuWeps Rep would have in signing documents for the Government, signing correspondence, representing the chief of the Bureau

by direction.

I would like to insert something into the record, Mr. Examiner, if I may now. I am here at the request of the NLRB to the chief of the Bureau and that the Navy is completely impartial as to what is going on at this hearing.

MR. LEINER: Thank you very much for your statement, Mr. Thompson.

TRIAL EXAMINER: You are here, Mr. Thompson, at the request of the General Counsel for the National Labor Relations Board, is that correct?

THE WITNESS: That's right, sir.

TRIAL EXAMINER: Not the Board.

THE WITNESS: Well, the word came to me from the Admiral.

Q (By Mr. Leiner) Now, with regard to your job, Mr. Thompson, how many contractors who supply goods to the Navy have you dealt with since 1960?

A Since 1960, two.

Q And how about since 1961?

A Two. It's about the end of '62 that--

Q Since the end of 1962 how many contractors who supply goods to the Navy have you dealt with in your job?

A Just one.

Q Which one is that?

A Gyrodyne.

Q What do you do with regard to the Navy and Gyrodyne?

A I negotiate the contracts, negotiate the terms of the contracts. I do not, however, sign the contracts.

Q Who signs the contract?

A One of my supervisors, which is his administrative function.

MR. LEINER: Would you mark this as General Counsel's Exhibit 22 for identification, please?

(Thereuppn the document referred to was marked General Counsel's Exhibit No.22 for identification.)

Q (By Mr. Leiner) I show you General Counsel's 22 for identification, Mr. Thompson, and I ask you to identify it for the Trial Examiner, please.

A It's a list of the contracts, what is being purchased under the contracts, the approximate value of the items. Another column on spares. Tentative fee or profit.

Q Now, with regard to what the company,or what -- to what contractor does that relate?

A This is all Gyrodyne Company of America.

Q Who prepared that list?

A I did at your request.

Q When was it prepared, do you recall?

A About three weeks ago.

Q Did you inspect the contracts which you name in that document prior to your making that document?

A I inspected both the contracts and other information

quarter ended June 30, 1964, one contract only, but it is the information down here that would apply to all.

Q When you say "down here"--

A Down at the bottom of Form DD-1177.

Q Is that the last three lines of typewritten material which you are referring to?

A That's right. They appear on all contracts.

Q Just so the record remains clear, I would like you to identify General Counsel's 28.

A This is a DD-1177 for all the contracts reportable under that form for quarter ended September 30, 1964.

Q Do you recall when you received this in fact?

A No, I do not.

Q Mr. Thompson, did there come a time when you and other representatives of the Navy Department communicated with the company with regard to the size of their labor force and in particular with respect to the size of the force of mechanical inspectors which the company employed?

A Yes.

Q Would you tell the Trial Examiner when was the first time that you spoke with the company about their labor -- the size of their labor force and the size of their mechanical inspection department?

A Since this was sometime ago I will have to refer to records. Sometime between December, 1962, and February,

1963, I spoke with them.

Q Who did you speak with,with respect to the mechanical inspection department?

MR. LYONS: I object to any testimony concerning mechanical inspectors in 1962 and 1963.

MR. LEINER: It will be all connected up, Mr. Examiner. This is December '62, January '63.

TRIAL EXAMINER: Mr. Thompson's testimony is that sometime during that year—

MR. LEINER: He didn't say sometime during that year, Mr. Examiner. I beg to differ with you.

TRIAL EXAMINER: Well, I misunderstood him.

Q (By Mr. Leiner) Would you repeat when you spoke with the company with regard to mechanical inspectors?

A Sometime between December, 1962, and February, 1963.

Q Do you recall what the substance of the communication between you and the company was at that time.

MR. LYONS: I object to this as irrelevant, immaterial and incompetent as to this hearing.

TRIAL EXAMINER: What are all these exhibits you have marked for identification?

MR. LEINER: I want to put them in evidence, Mr. Examiner, but I want to hold then back until the appropriate time. I tried to offer them seriatum but I will offer them all at the same time when a complete—

TRIAL EXAMINER: I won't take them unless I know what they are. We are directing our attention now to what I understand is a communication from Mr. Thompson for the Navy to a representative of the company regarding the size of the mechanical inspection force made sometime between December, 1962, and February, 1963.

MR. LEINER: Yes, sir.

TRIAL EXAMINER: What is the relevancy of that?

MR. LEINER: Would you want this before the witness, Mr. Examiner?

TRIAL EXAMINER: I don't care.

MR. LEINER: As early as late 1962 or early 1963 the Navy Department asked the company to cut down on the size of their labor force and particularly with respect to the size of the mechanical inspection department, because it was too large.

TRIAL EXAMINER: To cut down or increase?

MR. LEINER: To cut down.

TRIAL EXAMINER: What's the materiality?

MR. LEINER: Because if the Navy Department asked the company to cut down the size of their inspection departments and the size of the labor force in general early as 1962, and continued thereafter to request that, and negotiated contracts calling for the reduction and nothing ever happened, the company did not reduce their labor force substantially betwen December 1962,

despite the continual requests of the Navy, until June of 1964, that's what the materiality is, and we will link it up further.

MR. LYONS: What does that have to do with this charge of an unfair labor practice?

I object and --

TRIAL EXAMINER: I rule that out.

MR. LEINER: Then I will ask directly a question.

I take particular exception to this, Mr. Examiner. We can't put our case in. I will ask the question of the-- I will continue my examination of the witness, Mr. Examiner.

Q (By Mr. Leiner) I want you to tell the Examiner as best you can in your own words and fully, Mr. Thompson, of a conversation that you had with Mr. Pieplow in September of 1964 with regard to the layoffs or the loss of labor and the inability of this company to produce the birds, the 186 Drone order. You tell him fully and I won't ask you any questions about it.

MR. LYONS: I object to this. It has nothing to do with the -- this is a claim of something in September, 1964, between the witness and a Mr. Pieplow.

MR. LEINER: I now offer General Counsel's Exhibit 23 for identification in evidence, and I would like something else marked as 23A. Would you mark this as 23A, please?

voir dire questioning of this witness, and I am therefore going to ask that the offer be held in abeyance until I have had time to get an interpretation of the facts contained herein.

MR. LEINER: I would respectfully suggest to the Trial Examiner, realizing the difficulty with which these documents put both the Trial Examiner possibly and counsel, that I will withdraw the offer at this time and make the offer at a slightly later time so that the witness may be able to testify without regard to the documents, and if the witness's testimony is not relevant to the documents, then there won't be any reason for a voir dire, the documents will be irrelevant.

TRIAL EXAMINER: Yes. Well, the documents are here. They are marked for identification and the Trial Examiner is about to ask the witness a question, taking the witness for the moment as his own witness over objection of any of counsel who may make objection.

Q (By Trial Examiner) Mr. Thompson, the General Counsel put a question to you -- Mr. Leiner put a question to you regarding any discussions in regard to the official status or performance of the contracts between -- I will put it in general terms -- between Gyrodyne and the Navy, any conversations after September, 1964, relating to the performance of these contracts, whether or not the Navy

was satisfied or had any complaints regarding them.

Were there any such?

A It wasn't a complaint on performance. It was the fact that a cost proposal had been submitted. This is a submission by the company anticipating a contract where they give all the elements of cost for me to analyze and decide whether or not it was the right price.

Q This is a prospective contract?

A That's right. At that time --

MR. LEINER: When was this? Will you fix the date for the Trial Examiner?

Q (By Trial Examiner) Any time after September 24, 1964?

A I can give you two periods of time, 28 September, 1964, through 15th of October, 1964, is when negotiations took place.

It takes some time sometimes to negotiate a contract. Then those two periods of time there was conversation with Mr. Pieplow.

Do you wish me to go into--

Q Yes.

MR. LYONS: Your Honor--

TRIAL EXAMINER: You have your exception. These are my questions, Mr. Lyons.

MR. LYONS: I wondered if I could state the grounds of them.

TRIAL EXAMINER: I am trying to cut through here. I may save you some trouble.

MR. LYONS: I come from an old family of contractors and I know how you puff up things a bit.

A Since it is a direct question to me, I think I can give you an answer which will satisfy both parties and do away with a lot of the paper work.

Q (By Trial Examiner) That's what I am hoping we will be able to do.

A There was a question in my mind that during a certain period of time for which I was forecasting from, that there was a definite lack of personnel. Heads had disappeared. This was reflected in the form. That form only alerted me to the fact that there was a fluctuation in the labor.

MR. LEINER: What form are you referring to?

THE WITNESS: DD-1177.

MR. LEINER: What form--

TRIAL EXAMINER: Wait a minute. You be quiet.

THE WITNESS: As a result of the form, and that's the only significance it has, the labor hours will not show up in there. There could be two reasons why this fluctuation was going on. One could be the way the costs were accounted, accruals not put on, and so forth.

The other could be, of course, labor was not there

any more. So as a result I questioned the contractor and asked him had he lost any people and in what areas, and I wanted him to come back to me and give me a head count on how many people he had in direct and indirect in various departments, which he did.

Q (By Trial Examiner) The fluctuations you are talking about would show up on your form?

A All it will show you, you see, these are percentages. As an example, here is one, 30 June, 1964, and here is one, -- where is the other one -- March 31, 1964. Then this picks up April, May and June.

In other words, there is a sequence between this one and this one. This one, the rates and general overhead, engineering overhead, manufacturing overhead did not agree from here to here. We just don't have this kind of decline. So obviously there has been a lot of movement of personnel in this area.

As an example, overhead for that quarter ranging from 140 to 141 percent dropped to 119.5. That's an awful lot of --

Q The first quarter you referred to was January, February and March. The second quarter you referred to was April, May and June.

A Yes. When I asked the contractor as to why the difference here, his answer was that they were putting

TRIAL EXAMINER: Yes, I will take the testimony. You don't have to argue any more. You know how I feel about it when you talked about a projected contract.

The question is, did you have any conversation with Mr. Pieplow regarding the sufficiency of the labor force in connection with the performance of the contract by the company.

THE WITNESS: Yes, I did.

TRIAL EXAMINER: When was that?

THE WITNESS: During the same period of time.

MR. LEINER: There is a prior question, Mr. Examiner.

TRIAL EXAMINER: Now, just a minute.

MR. LEINER: Yes, sir.

THE WITNESS: During the period of the negotiations between 28 September, 1964, and 15 October, 1964.

TRIAL EXAMINER: That's in connection with proposed or possible future contracts?

MR. LEINER: That is with a contract already executed in June, 1964.

TRIAL EXAMINER: That's not the testimony.

THE WITNESS: Perhaps I can clear that up, sir.

TRIAL EXAMINER: I wish you would, please.

THE WITNESS: In negotiating a contract in future, I have to know what is going on in the present. I questioned the number of people being used for manufacturing

purposes for what they were turning out at the very moment as being legitimate or reasonable for projection purposes.

Q (By Mr. Leiner) With regard to what contract executed at what time was this inquiry made?

I show you, if I might--

TRIAL EXAMINER: Just a minute.

A I was negotiating contract NOW-65-0058.

Q (By Mr. Leiner) When were negotiations for that contract begun?

A 29 September, 1964, was the day that I spoke with the contractor Pieplow at Bu-Weps ready to start negotiations.

Q Mr. Thompson, had the Drones for the prior year's procurement contract been delivered in entirety by that time?

A No, they would not have been.

Q How many Drones were procured during the prior fiscal year?

A Well, the prior contract for which delivery period would have fallen during this period of time was 100.

Q And is it your testimony that they had or had not delivered all of the hundred Drones?

A I believe they had not because the delivery schedule, the last Drones were supposed to be delivered in December

1964, as I recall.

Q Would you continue and tell the Trial Examiner what your conversation was with Mr. Pieplow with regard to the 1965 fiscal year contract which was for 186 Drones?

MR. LYONS: I object to this about a 1965 contract.

MR. LEINER: They were still producing the '64 Drones, Mr. Examiner.

TRIAL EXAMINER: The only thing I am interested in is not in regard to the performance of a proposed 1965 contract, but what comment Mr. Thompson might have had regarding the prior contract and the sufficiency of the labor force. And the performance of that. That is the only thing I am interested in.

Q (By Mr. Leiner) Would you tell the Trial Examiner what your conversation was with Mr. Pieplow?

A I asked him based on the number of heads that he told me was now on board -- were now on board, how he could accomplish the assembling and turn out these Drones when they were less people than he had told me he needed and -- that our so-called production experts said that we needed for the previous year.

We had one year buy another year buy. All of a sudden there was a drop in a certain number of personnel.

TRIAL EXAMINER: What was his reply to that?

THE WITNESS: His reply was that there had been some

lay-offs. They would either subcontract or they might hire some of them back.

Q (By Mr. Leiner) Mr. Thompson, we are talking about the period--I would tell you I am talking about the period on and after January 1, 1964. I am going to ask you what beside Drones the company produced or sold to the Government from its plant.

MR. LYONS: May I --

TRIAL EXAMINER: I don't think we need go into that.

Q (By Mr. Leiner) I ask you to search your recollection, Mr. Thompson, and I will ask you when the procurement of the hundred Drones was negotiated, the commencement of negotiations between the Navy and the Gyrodyne Company. A 100-Drone buy as it is called.

MR. LYONS: I object. It is irrelevant, immaterial and incompetent.

TRIAL EXAMINER: Let me get the date.

MR. LEINER: This is the hundred Drone buy.

THE WITNESS: I unfortunately do not have copy -- copies of the contract. I have the information from our audit report, which indicates that it would be somewhat close to that date.

Q (By Mr. Leiner) When was the hundred Drone buy negotiated and for what period did the Navy want delivery?

A I can't give you the exact date, but somewhere

in April of 1963 apparently.

Q '63?

A Yes.

Q Subsequent to that hundred Drone buy, did the Navy order 189 Drones and spare parts?

A 186 plus three more later date, yes, 189.

Q When was that contract negotiated? The commencement of negotiations.

A I have to check my records here again to see if I have it. It would be somewhere around January or February, in that area of 1963.

Q That was the first 186 Drones plus three to make it 189 Drones?

A That's right. I am coming up with these dates by looking at some of my documents here which are from my field people.

Q Very well. Was there another 186 Drone buy thereafter?

A Yes, there was.

Q And when was that buy first negotiated between the Gyrodyne Company and the Navy?

A Negotiations commenced with the contractor 29 September '64 and concluded on 15 October, 1964.

Q Previously you testified that it was in '65 with regard to that second 186 Drone buy. I just want to make sure of the date.

A The contract number is NOW-650058, which indicates a '65 fiscal year buy.

Q When was it negotiated, when did the company know that they were going to be selling the Government 186 more Drones?

A It says on here, and I have the stamp to approve it, it says Negotiations were concluded on 15 October, 1965.

Q When were they commenced?

A 29 September, 1964.

Q Was that the first--

TRIAL EXAMINER: Mr. Leiner, this is the fourth time we have gone over this.

Q (By Mr. Leiner) Mr. Thompson, would you tell the Trial Examiner whether any company official requested any facility because--

TRIAL EXAMINER: Requested what?

Q --for the payment of any facility -- I will withdraw the question in that form, Mr. Examiner.

Mr. Thompson, would you tell the Trial Examiner whether any company officer or supervisor ever asked the Navy to pay for facilities which the company would erect in order to give the employes something because the union was trying to get in.

MR. LYONS: I object to this question.

TRIAL EXAMINER: I didn't understand it. Mr. Reporter,

please.

(Record read)

TRIAL EXAMINER: Were you ever asked any such thing?

THE WITNESS: Yes, I was.

TRIAL EXAMINER: What was it?

THE WITNESS: It was a cafeteria.

TRIAL EXAMINER: Just tell us who asked you and when and what the question was, how it was put.

THE WITNESS: It first came up, again, in the cost structure when I questioned the overhead that they were projecting and I found that they were -- there were facilities in there including a cafeteria. I asked them why they needed a cafeteria --

MR. LYONS: I object to this, your Honor, unless the time be fixed.

TRIAL EXAMINER: Overruled.

A When I asked them why they wanted the cafeteria, they mentioned that--

MR. LYONS: May I have the person fixed in the conversation?

THE WITNESS: There was some union activity going on and they would like to give their employes the same thing that the union would give them and they felt that the cafeteria would eliminate a bone of contention.

TRIAL EXAMINER: Who said that to you?

THE WITNESS: This was Mr. Pieplow.

TRIAL EXAMINER: When did he say that?

THE WITNESS: Now, I have to qualify that. I think it was Mr. Pieplow. It could have been Mr. Matzkin.

TRIAL EXAMINER: Who was he?

THE WITNESS: He used to be one of the vice-presidents. And he was the predecessor Mr. Pieplow, in that same type job. There was an overlap about that period of time.

Q (By Mr. Leiner) Mr. Thompson, when was the last time that the company asked for a cafeteria in the same sense that they would erect a cafeteria and the Navy would pay for it?

A In 1963 contract negotiations the matter of cafeteria came up.

Q When was that? This is the last time that they asked for it, Mr. Thompson?

A That was in the summer of 1963.

MR. LEINER: May I just have half a minute, Mr. Examiner?

(Short pause)

MR. LEINER: I have no further questions, Mr. Examiner.

MR. RUBENSTEIN: No questions.

TRIAL EXAMINER: Was 1962 the first year that Gyrodyne started doing Government work?

THE WITNESS: No, sir. Back in 1955 we had some research

and development.

MR. LEINER: May I again ask your reconsideration and offer in evidence these contract numbers and procurement sizes that Mr. Thompson had prepared, which has been rejected as General Counsel's 22 previously?

TRIAL EXAMINER: Yes. I will adhere to my ruling. You may mark it in the rejected file.

MR. LEINER: I asked you to reconsider it.

Thank you.

TRIAL EXAMINER: In connection with the offer of General Counsel's Exhibits 23, 24, 25, 26, 27, 28 and --

MR. LEINER: Prior to making your ruling, Mr. Examiner, may I just ask one more question?

TRIAL EXAMINER: All right.

Q (By Mr. Leiner) I show you, Mr. Thompson, General Counsel's 26 and 27, and I ask you again -- those are for identification -- and I ask you what communication, if any, you had with the respondent Gyrodyne Company of America with respect to General Counsel's 25 for identification -- I will withdraw that, Mr. Examiner.

What conversations, Mr. Thompson, did you have with the company with regard to General Counsel's 25 for identification which resulted in General Counsel's 26 and 27 for identification?

MR. LYONS: I object to this at this time, Mr. Examiner.

MR. LEINER: They sent in an amended copy, Mr. Examiner, with regard to the June 30th quarterly report.

TRIAL EXAMINER: All right. You may answer.

A Paragraph 3, the contractor was verbally requested by NPAF-353.

Q Who is that?

A That's my code number. To submit revised copies of the DD-1177.

Q Revised copies of DD-1177 meaning revised copies of what?

A GC-25.

Q And did you tell -- withdrawn.

Was the conversation with the company -- I will withdraw that again if I might, Mr. Examiner.

Was there a conversation between yourself and the company as to why you wanted the revised DD-1177, which is --

A Yes.

Q Would you tell the Trial Examiner--

MR. LYONS: I object. These papers speak for themselves. I object to any conversation.

MR. LEINER: There is no parol evidence rule here, Mr. Examiner.

TRIAL EXAMINER: I thought it was all in the record.

I will permit the answer.

THE WITNESS: Could I have the question again?

TRIAL EXAMINER: Why did you want copies of those particular reports?

Q (By Mr. Leiner) Why did you want it changed?

A I wanted it changed because the fluctuation here didn't make any sense. It was a drastic change. Apparently there was a different method of accounting taking place between one quarter and another quarter.

Q Mr. Thompson, was there a normal method -- was there a method by which the company contacted the Navy if they contemplated a drastic change in their personnel?

MR. LYONS: I object to this.

TRIAL EXAMINER: I don't see the propriety of that question, Mr. Leiner. I don't see what difference it would make.

MR. LEINER: There was a normal process by which the respondent company and all contractors for the Government must notify them. I don't want to make any further comments about it. It -- the witness will testify it was a strange procedure.

TRIAL EXAMINER: What was a strange procedure?

MR. LEINER: To lay off such a large group of men without previously notifying the Navy and he is here to testify to that fact.

TRIAL EXAMINER: No, I will not go into any such

PROCEEDINGS

TRIAL EXAMINER: On the record.

RICHARD S. THOMPSON

previously sworn, resumed the stand.

MR. LEINER: May it please the Examiner, prior to the opening of the hearing this morning I have given to counsel for respondent the prior statement of the witness, Richard Thompson.

TRIAL EXAMINER: Whenever you are ready, Mr. Lyons.

MR. LYONS: I am just getting up courage enough to get ahold of those whatever you call them, DD-11-something or other.

TRIAL EXAMINER: DD-1177.

CROSS EXAMINATION

Q (By Mr. Lyons) Mr. Thompson, you testified yesterday regarding DD-1177 as quarterly reports submitted by the contractor, is that correct?

A Yes, sir.

Q When you were discussing these quarterly reports, the DD-1177, a certain number of them were offered in evidence, is that right?

A Yes, sir.

Q And they seem to have some significance to this hearing, is that correct?

A Yes, sir.

Q By target you mean a sum of money?
A A sum of money which the contractor and myself negotiate as being a fair and reasonable target.
Q Now, that negotiation that you spoke of, you sit on one side of the table representing the Government, and the contractor's representative sits on the other, is that right?
A Yes, sir.
Q I am going to ask you some general questions concerning your activities and the activities of your opposite number, be it Mr. Matzkin or Mr. Pieplow.

You are there to see that the Government gets the best buy that it can possibly get, is that correct?
A That's correct.
Q And you are fighting for the Government's side of the dollar?
A That's correct.
Q And the product?
A That's correct.
Q And the representatives on the contractor's side are trying to get a little here and a little there because they are representing the company, isn't that right?
A I would say that's true.
Q It is more or less an adversary procedure, isn't it?
A Yes, sir.

Q And Gyrodyne only has one customer, doesn't it?

A That's true.

Q The Navy?

A The Navy.

Q This is mostly on a program called the DASH program, isn't it?

A That's right.

Q Would you tell us what the DASH means?

A Destroyer Antisubmarine Helicopter.

Q Do these helicopters have pilots?

A No, they are Drones. They are remote-controlled.

Q What do they carry as weapons?

MR. LEINER: Objection. I don't see why this need be gone into.

TRIAL EXAMINER: Do you have any objection to answering the question, Mr. Thompson?

THE WITNESS: It is not classified.

MR. LEINER: I withdraw my objection, Mr. Examiner.

A Mark 44 torpedos.

MR. LYONS: May I at this time inquire of the Trial Examiner, would the Trial Examiner be interested at this time in an explanation of what we billed? I don't think it has been before the Trial Examiner to some detail. I don't want to pursue it if the Trial Examiner--

TRIAL EXAMINER: I feel, Mr. Lyons, that I made it

quite plain to the General Counsel and to the union that unless the product and the various and several departments of this company is important to the issues of the case, that I am not particularly interested in the detail of operation and material delivered to the Navy,or product delivered to the Navy.

We have to have some background, of course, and it is just a matter of judgment as to how far we want to go. If it's helpful to your side of the case, go right ahead.

MR. LYONS: You see, I am very interested in it as a weapon and as a sophisticated machine and I might go too far, you see, because I just think it's a dandy and--

MR. LEINER: General Counsel certainly agrees with that.

MR. LYONS: I might go into it too far and as you just said to me, you are not too interested.

TRIAL EXAMINER: Well, you use your judgment on it. I won't stop you.

Q (By Mr. Lyons) Well, would you give the Trial Examiner a little description of what it is that Gyrodyne makes?

A Gyrodyne makes a coaxial helicopter which is suitable for performing off the deck of a destroyer. It is operated by remote control, contains very sophisticated avionic equipment, telemetry, and is a very highly thought of ASW weapon.

MR. LEINER: What is ASW?

THE WITNESS: Antisubmarine Warfare.

Q (By Mr. Lyons) Do you know whether Mr. Papadakos himself personally and the engineers working on this were the ones who developed this machine?

MR. RUBENSTEIN: Objected to as totally irrelevant as to who developed the machine.

TRIAL EXAMINER: We have gone this far.

A I understand he did most of the design engineering from the beginning.

Q (By Mr. Lyons) In discussing the 25 to 100 items that you have told us about, some of that was in construction of buildings even, wasn't it?

A Yes, it was.

Q I mean the Navy as the sole customer of Gyrodyne and interested very much in this very successful weapon was interested in seeing its production; isn't that right?

A That's true.

Q And as such, as part of the contracts they provided facilities, as we call it?

A The construction of facilities is left up to the contractor, as to how it is reimbursed under the contract concerns myself.

Q And that is quite a discussion, isn't it?

A It certainly is.

Q And properly so; I mean, you say you don't need this type building; is that right?

A That's right.

Q And the contractor negotiator in all good faith on the other side says we do, is that right?

A That's true.

Q Let me ask you this: Gyrodyne has met its delivery schedule, hasn't it?

A Yes, sir.

Q It is ahead of its delivery schedules?

A In some cases, yes.

Q Would you say in most cases it is up to or ahead of its schedule?

A Up to or ahead.

Q And when I say "delivery schedule," it means that there are accepted and have been accepted by the Navy Seal completed birds under the contract which you negotiated?

A That is true.

Q In your investigation of the costs that you fought for so hard for the Navy, are you satisfied that you god a good product at the right price?

MR. RUBENSTEIN: Objected to as irrelevant.

TRIAL EXAMINER: Overruled.

A For those that have been completed for which I can make the comparison, yes.

Mr. Pieplow, is that right?

A That's true.

Q And that refers back to the previous paragraph in which you seem to pinpoint the conversation was with Mr. Pieplow, is that right?.

A I thought that it had been, yes. I wanted to clarify it that I was not sure.

Q You got to the end of that first paragraph I called your attention to, it came to your mind that it might have been Mr. Matzkin, is that correct?

A That's true.

Q So you were carrying on conversations in connection with this contract with -- was it Mr. Matzkin or Mr. Liebowitz and a Mr. Pieplow?

A And many others.

Q And many, many others, is that correct?

A Yes.

Q Mr. Liebowitz is a representative of the Bureau of Weapons, is that right?

A He is the BWR representative.

Q In connection with a conversation with the cafeteria, how many conversations did you have about the cafeteria?

A I only recall the one. When we weren't discussing money, I remember one particular conversation about the cafeteria,as to the need for it.

Q Was it the need that there were no eating facilities nearby?

A That was one of the arguments.

Q That was the first argument, is that correct?

A That's the primary one.

Q That was the primary argument, that the cafeteria was needed to keep the employes happy since there were no nearby eating facilities, is that right?

A That's true.

Q You were interested in seeing that the employes were kept happy, is that right, so they could turn out the product under conditions that were right for good production?

A That's true.

Q And efficient production within the cost area, is that correct?

A That's true.

Q And that's what the conversation was about, is that right, the primary conversation?

A That's true.

Q You say you only had one conversation about the cafeteria, is that right?

A It's the only one I can recall, yes, sir.

Q And the primary part of it was in relation that there was no facilities nearby, is that right?

A That's true.

Q And there weren't, were there?
A Not that I know of.
Q Gyrodyne is pretty well out in the country, isn't it?
A Out in the boon docks.
Q And there is no restaurant off the premises that the people can go to, is there?
A There wasn't at that time. I haven't been out there lately.
Q There isn't any now either, and they were interested in having this cafeteria because there were no facilities nearby, is that right?
A That was one of the arguments that they gave, yes, sir.
Q And then after the primary argument was had, there was some discussion, is that right, that you say took place over a telephone?
A Yes. They were pressing, again, on the cafeteria issue.
Q And so they were pressing again?
A Yes.
Q Then we have a second conversation, is that right?
A On the same subject, yes. I mean, this cafeteria issue went on for several months.
Q I thought it was only one conversation.
A No. I thought you meant on the cafeteria. I meant the one--
Q Right. You were talking about the cafeteria for months,

right?

A Yes.

Q Give and take on the cafeteria for months?

A Yes.

Q And there came one time in all of this conversation that there was a question about a union getting its foot in the door, is that right?

A This is true.

Q That is the onl y conversation about a union with you in all: of your negotiations with Mr. Pieplow and Mr. Matzkin, is that correct?

A The only one I recall.

Q It was the only one that you had in connection with all of the contract items that you negotiated and is also the only one you had in connection with all the conversations about the cafeteria, is that right?

A That's right.

Q With all of the many arguments they advanced, only once was there this sentence put in here, and let me read it to you right because it is in quotations - the union tried to get its foot in the door - is that correct?

A That's true.

Q And that's the only thing that you remember concerning union negotiations with Gyrodyne, is that right?

A That's true.

Q And that's the only thing that you remember concerning union negotiations with Gyrodyne, is that right?

A That's true.

Q During the time that you were conducting these investigations, the discussions on cost allowances, were there discussions on pension plans?

A Yes, there were.

Q Were there discussions on bonuses?

A Yes, there were.

Q Were there discussions on holiday pay?

A Yes.

Q Sick pay?

A Yes.

Q Military leave pay?

A Yes.

Q 6-day premium pay?

A Yes.

Q 7-day premium pay?

A Yes.

Q Send home pay?

A Yes.

Q Death in family pay?

A Yes.

Q Hospitalization insurance?

A Yes.

Q Major medical insurance?
A Yes.
Q Vacation pay?
A Sick and holiday, yes.
Q I don't see the difference myself. Call-in pay?
A Call-in pay?
Q Call-in pay.
A That's one I'm not familiar with. I will say yes, though, because it was all part --
Q All part of the overhead costs, is that right?
A Yes, sir.
Q Shift premium pay?
A Yes.
Q Stand-by pay?
A Yes.
Q Travel pay?
A Yes.
Q Education assistance?
A Again, part of the overhead, not pinpointed.
Q All these are overhead items that had to be discussed with you, didn't they?
A That's right.
Q And you discussed them at length?
A That's true. I have an auditor who provides me with a lot of the back-up information.

Q And also as to whether the Navy was going to go for this, isn't that correct?

A That was the main issue.

Q And life insurance?

A Yes.

Q And disability insurance?

A Yes.

Q I used the word "pension plan." That is the same as retirement plan, is that right?

A Yes.

Q There were discussions about all of these items I have discussed with you, is that right?

A There were meeting in Washington, meetings here.

Q And how many would you say you had with all of these that I discussed? How many times did you discuss it during the years that you have been negotiating with Gyrodyne?

A Every day.

Q Every day. And all of these were benefits to employes, is that right?

A That's true.

Q And Gyrodyne was pressing for these, is that correct?

A That is true.

Q And during all those discussions, Mr. Thompson, you never once heard Gyrodyne employes or executives say to you, "We need this because we want to keep the union out,"

did you?

A No, sir.

Q You are sure about that?

A Positive.

Q Let me ask you this: In relation to your -- I am going to switch the subject to something -- could I have one minute to see--

TRIAL EXAMINER: Certainly.

(Short pause)

MR. LEINER: May we have a one-minute recess?

TRIAL EXAMINER: We will do better. We will take five minutes.

(Short recess)

TRIAL EXAMINER: On the record.

Q (By Mr. Lyons) Mr. Thompson, there was a conversation in September of 1964 that you had with Mr. Pieplow, is that right?

A I had a conversation.

Q About this new contract coming up, is that correct, for the 189 Drones?

A That's true.

Q And you were on one side of the table and he was on the other side of the table, is that right?

A That's true.

Q Was this a fixed price type contract?

Q And also as to whether the Navy was going to go for this, isn't that correct?

A That was the main issue.

Q And life insurance?

A Yes.

Q And disability insurance?

A Yes.

Q I used the word "pension plan." That is the same as retirement plan, is that right?

A Yes.

Q There were discussions about all of these items I have discussed with you, is that right?

A There were meeting in Washington, meetings here.

Q And how many would you say you had with all of these that I discussed? How many times did you discuss it during the years that you have been negotiating with Gyrodyne?

A Every day.

Q Every day. And all of these were benefits to employes, is that right?

A That's true.

Q And Gyrodyne was pressing for these, is that correct?

A That is true.

Q And during all those discussions, Mr. Thompson, you never once heard Gyrodyne employes or executives say to you, "We need this because we want to keep the union out,"

did you?

A No, sir.

Q You are sure about that?

A Positive.

Q Let me ask you this: In relation to your -- I am going to switch the subject to something -- could I have one minute to see--

TRIAL EXAMINER: Certainly.

(Short pause)

MR. LEINER: May we have a one-minute recess?

TRIAL EXAMINER: We will do better. We will take five minutes.

(Short recess)

TRIAL EXAMINER: On the record.

Q (By Mr. Lyons) Mr. Thompson, there was a conversation in September of 1964 that you had with Mr. Pieplow, is that right?

A I had a conversation.

Q About this new contract coming up, is that correct, for the 189 Drones?

A That's true.

Q And you were on one side of the table and he was on the other side of the table, is that right?

A That's true.

Q Was this a fixed price type contract?

A Yes, it did.

Q And they are performing the contract?

A At the moment, yes.

Q And they are delivering the contract, is that right?

A Yes.

Q And they are delivering it on time, sir?

A Yes, sir.

Q You say that at the time of this discussion in 1964 when you had some questions, Mr. Pieplow said, well, if necessary we can rehire some of our personnel; is that correct?

A That's true.

Q He said he would rehire some that had been let go, is that right?

A Yes, he did.

Q If necessary?

A If necessary.

Q And he also said that if it becomes necessary they could subcontract, is that correct?

A Yes, it is.

Q Can you tell me this - the birds are being delivered on time; the schedule is being met as to quality and date, is that right?

A That's true.

Q Do you know whether there has been a hiring of extra

personnel to do this job?

A At this point right now?

Q Yes.

A No, I don't.

Q Well, did you know that there was nobody hired to do this -- no great extra production help hired to do this job for 189?

A I would suspect that was so.

Q They didn't need to rehire anybody, isn't that right?

A This is true. On a firm fixed price contract they are inclined to tighten down.

Q You saw that they were tightening down pretty well along the line for some years, weren't you?

A Yes.

Q And now we are getting to this matter of learning curve that has to do somewhat with the learning curve here, doesn't it?

A Yes. It's a method of determining experience factors in production.

Q Would you explain for the record just what a learning curve represents and would you say it in layman's language that I could understand it?

A All right. It's a method of applying actuals or averages for manufacturing certain parts of an aircraft or anything else, for that matter, and as production doubles

there is a definite drop in the hours necessary to manufacture the product. This is gained because of experience particularly assembly line process. A man as he repeats his work over and over again becomes more efficient.

Q And you take that into consideration in negotiating contracts with contractors that you have had working for you before, is that right, on similar products?

A That's true.

Q With Gyrodyne, was that followed?

A It was followed.

Q Do you have the contractors send to you progress curves of their estimation?

A Yes, they do.

Q That is, they forecast the progress, is that right?

A That's right.

Q What is the purpose of their sending that to you?

A The purpose of sending it to me is for me to analyze it. I get almost a second glance at it and compare it with the facts that I have and see how close together we are because this is the basis of the contract price.

Q This is a very important factor, isn't it?

A It is.

Q You also look when you are going to get another contract, you look at the efficiency of the contractor?

A It is reflected in the curve.

Q You see whether this fellow is learning fast enough to get successive contracts because that is something that you as a shopper are interested in, is that right?

A Normally this is so, yes.

Q So that's the reason that you also project an experience curve or learner's curve, is that right?

A That's true.

Q Could you tell me this - in your contract experience did you ever agree exactly with the learner's curve and progress curve that is submitted by a contractor?

MR. RUBENSTEIN: Objected to as irrelevant.

TRIAL EXAMINER: Overruled.

A No, I haven't.

Q (By Mr. Lyons) I didn't think you did. You always were lower, is that right?

A It's not an exact science. There is negotiation.

Q As lawyers we understand that. Negotiation is the first law of the law.

Could you tell us this, though, about how many hours per -- did you have a number of hours per bird to manufacture one, say, when you first got associated with this contract?

A We had experience on a very small number of birds which involved a lot of experimental and research work.

Q And you set up for Gyrodyne then the number of hours

that it took to build a Drone, is that right?

A We were able to go and get, develop certain hours for which a curve could be constructed.

Q And you paid them money for those hours to build the Drone, is that right?

A That is true.

Q Could you tell us how many hours that was, sir?

A In the neighborhood of 2800 hours per bird, as I recall it. Remember, this is only fabrication assembly. There is a lot of other areas such as inspection which are not included in the curve.

Again, I say we didn't agree on all the points in there. I am using my figures as I recall.

Q I will use your figures because I can't read these. You say there came a time when 2800 hours per bird was allowed, is that correct?

A That's the experience that we got.

Q What year was that?

A The second part of the NOW-600154 falls somewhere in that vicinity.

As I say, it is not an exact science. This would represent a midpoint of a given number of aircraft. Not the top, not at the bottom; someplace average.

Q Right, Mr. Thompson. And you say that 2,840 hours was the amount of hours that the Navy and Gyrodyne agreed

adequacy of the size of the work force to perform the proposed contract.

MR. LEINER: That's 1964.

TRIAL EXAMINER: That inquiry was made in '64. We are talking now about the one just before that, aren't we?

MR. LEINER: I thought it was two years before that.

THE WITNESS: Just one year.

TRIAL EXAMINER: Just one year before that.

MR. LEINER: So the conversations are in 1963 that we are talking about?

TRIAL EXAMINER: No, the work done. The estimation, the projection, the planning and the checking by the Navy on the work done in 1963.

MR. LEINER: Then I have no objection.

TRIAL EXAMINER: I think that's what we are talking about.

Q (By Mr. Lyons) Will you tell us about the hours agreed on to build a Drone in 1963?

A In '63 I assume you are talking about the '64 contract which was 186 Drones. I recall the figure of 1150.

Q Can you tell me what your figure was on that negotiation?

A It was 1320, I believe.

Q Your figure was 1320 hours, it was higher?

A Yes.

Q They were able to build the Drone in 1150 hours, is that right?

A That's true, yes.

Q And this contractor under did your estimate by 200, is that right, 200 hours?

A I don't want to be held to the exact figure but they did it for less than I had estimated. This is true.

Q Is that a sign of competent and efficient production?

MR. RUBENSTEIN: Objected to.

TRIAL EXAMINER: Well, it seems so self-evident.

MR. LYONS: All right, I will withdraw it then.

Q (By Mr. Lyons) On the basis of these factors you just testified to, was another contract entered into?

A Yes, the last one.

Q Did you come up with an estimate of the number of hours that you thought it would take?

A Yes, I did.

Q What was that?

A Again, I am searching my memory. I don't have any information here. 930.

Q 930 hours?

A Yes.

Q Therefore, in a three-year period we have a drop-off by this contractor from 2740 hours to 930 hours, is that right?

A In fabrication and assembly.

Q That's all I am asking about. And that means that per bird you used one-third less man hours, is that right?

A It would appear so.

Q That would be a 300 percent increase in efficiency, is that right?

A If it was efficiency alone, this is true. There are other factors, of course, that could cause this decrease.

Q Talking just to the man hours to build a bird, it was down in your opinion to 930 to do the fabrication and all, is that correct?

A This is true. Assuming that subcontracting stayed the same.

Q Right. Assuming certain factors. In fact, you know that certain subcontract work was brought into the house, don't you?

A Yes, it was.

Q That had previously been subcontracted was brought in house, as you call it?

A I understood that there was some, yes.

Q And that is included in the man hours, is that correct?

A The subcontract work?

Q No. When it is brought in the house and work is done in the house.

A Yes, this would be something that would be added to the

our forthcoming negotiations.

Q That there has been set into effect -- do you know that communications have been sent to the employes that all of them that have been there more than six months will receive a bonus?

A No, I did not.

MR. LYONS: Thank you very much, sir.

MR. LEINER: I think there are subjects that were brought up that need a lot of explaining, Mr. Examiner.

REDIRECT EXAMINATION

Q (By Mr. Leiner) The terms cost-type and cost-plus and cost-plus incentive fee and firm fixed price were mentioned.

Will you tell the Trial Examiner, Mr. Thompson, whether the contract which was being executed in June of 1964, which I suggest to you is the '63 buy for 100 Drones, was that a firm fixed price contract?

A No. Cost-plus incentive fee.

Q When was the first firm fixed contract entered into between the Navy and Gyrodyne? Or has it ever been entered into?

A Yes, we had one--

Q I am talking about for the procurement of Drones, firm fixed price.

A Well, I have a clearance here which I wrote. It was

your recollection.

MR. LEINER: You are quite right, Mr. Examiner.

I withdraw the question.

Q (By Mr. Leiner) Now, on the cross-examination -- I will withdraw that.

When you contacted the company with regard to changing the DD-1177 when the company gave you an answer and then the subsequent head count, as you called it, did you come to the conclusion that the variance between the first DD-1177 that they submitted and the second one was a mere accounting change or was it an actual change in personnel?

A It could have been both.

Q It could have been both. Did you discover in fact how it came that there was a severe fluctuation in the labor picture of company employes?

MR. LYONS: I object to this as improper redirect.

TRIAL EXAMINER: Not only that, but it is premised on a conclusion on facts not in evidence.

I will sustain the objection.

Q (By Mr. Leiner) Mr. Thompson, do you know how many Drones were ordered on contract 0099?

A Actually, two R&D type of things which become Drones. They weren't even called Drones, as I recall, at the time. They were a system.

Q In other words, that was so far back and it was in the research and development stage?

A Blue sky type of thing.

Q Do you remember when that was? Do you have any idea?

A I wasn't even on the account then, but I would say it was probably in 1959.

MR. LYONS: May I have an objection to this line of testimony?

MR. LEINER: It was just preliminary, Mr. Examiner. May we go off the record for a moment?

TRIAL EXAMINER: Yes.

(Discussion off the record)

TRIAL EXAMINER: On the record.

MR. LEINER: I am showing you, Mr. Examiner, a letter dated 11 September, 1964, on the respondent's stationery signed by Mr. Lyons. That letter purports to show that based upon a research and development contract No.0099, with that as the base year, back in 1959, which was a procurement for four experimental Drones, the company in a letter purporting to explain why they took certain actions with regard to the termination of employes, said that with regard to another contract, much more recent in vintage, their learning curve increased 300 percent and therefore they would lead, respondent would lead the General Counsel during the conduct of the

that defense, then I will consider your argument.

MR. LEINER: What was the cross-examination, Mr. Examiner?

TRIAL EXAMINER: Mr. Lyons used the word 300 percent in a question on cross-examination. The answer was -- it was not adopted by the witness in his answer to the question.

MR. LEINER: We had many questions on it, Mr. Examiner. The whole scope of the--

TRIAL EXAMINER: I will not argue with you.

MR. LEINER: May I mark this, please?

(Thereupon the document referred to was marked General Counsel's Exhibit No.29 for identification.)

TRIAL EXAMINER: I will receive it in evidence.

(General Counsel's Exhibit No.29 for identification was received in evidence.)

Q (By Mr. Leiner) Mr. Thompson, you testified that the number -- you testified on cross-examination, I believe, that the number of hours required to produce a Drone dropped over a period of years in successive contracts.

Is that true?

A That is true.

Q Did you testify whether that was only with regard to fabrication and assembly?

A Just fabrication and assembly is all we were discussing.

Q It did not include inspection hours, did it?
A No, it did not.
Q As a matter of fact, did you negotiate with the company for a reduction in their man hours and did you notify them that the reason that you were negotiating with them for a reduction was that they had excessive inspection?
A I questioned them as to the need for these inspectors, yes.
Q To your knowledge did you negotiate a contract which decreased the number of hours allowed to the company comprising the company's costs?
A Yes.
Q Did you at or about the same time tell them that they had too many inspections because the contract was outside of research and development, and progressed away from research and development?
A This could have been an argument. I don't recall that, but I did tell them I felt they had too many inspectors.
Q To your knowledge, having received the DD-1177s on a quarterly basis, did the company -- withdrawn.

Having received the DD-1177s or through your other knowledge of the company's operations, did you become aware that the company had released inspectors in any number pursuant to your conversation with them?
A I couldn't tell if it was inspectors. I knew that

there was a certain area of labor that wasn't there any more.

Q But that's only with regard to their filing the DD-1177 in September. I am talking about in the year prior to that, did they let go any number of inspectors?

A We did not become aware of this until we entered into negotiations for the '65 contract. I was unaware that there had been any releases or changes in the accounting system.

Q In computing cost, is the contractor, and by that I mean the Gyrodyne Company, paid for its inspection services that it renders on its Drones and also incoming other devices that it inspects?

A Yes, it is part of the labor costs.

Q You testified on your cross-examination that there were other factors which caused a decrease in man hours other than efficiency, is that right?

TRIAL EXAMINER: Was that your testimony?

THE WITNESS: I think he is right. Like subcontracts. I am prognosticating. They may subcontract more or less than I thought.

Q So, as a matter of fact, the production of the bird in terms of hours varies with regard to how much subcontracting the company is doing, doesn't it?

A That's true.

A No. The 1964 contract delivery is for December of 1965, which hasn't gotten here yet.

Q Oh, was that in connection with that?

A I don't recall the statement. That is the fact, that all deliveries haven't been made on the '65 contract. The '64 contract either. The last delivery in the '63 contract is December, this past December.

MR. LEINER: Of what year?

THE WITNESS: December, 1964.

Q (By Mr. Rubenstein) Were the deliveries made properly at that time?

A Yes, they were.

MR. RUBENSTEIN: That is all.

RECROSS EXAMINATION

Q (By Mr. Lyons) Do they have the cafeteria at Gyrodyne yet or do the people still have lunch at their desks?

MR. RUBENSTEIN: Objected to.

TRIAL EXAMINER: If you know.

A I don't know. I haven't been out there lately.

Q (By Mr. Lyons) How about the cafeteria, did they ever get the cafeteria in connection with you?

A No.

MR. LYONS: That's all.

MR. LEINER: General Counsel has no further questions,

Mr. Examiner.

TRIAL EXAMINER: Thank you very much, Mr. Thompson.

(Witness excused)

MR. LEINER: May I call the next witness, Mr. Examiner?

TRIAL EXAMINER: Yes.

MR. LYONS: Could we have a -- I would like to call my office.

TRIAL EXAMINER: Yes. Take a short recess.

(Short recess)

TRIAL EXAMINER: On the record.

CLETUS W. SCHEPERLE

a witness called by and on behalf of the General Counsel, being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Will you state your name for the record, please?

A Lieutenant Commander Cletus W. Scheperle.

Q Where do you presently reside, Commander?

A At the present time my residence is in Washington, D.C., at the Fort Myers BOQ.

Before we proceed, if possible I would like to make a statement for the record.

MR. LEINER: With the permission of the Trial Examiner. Mr. Trial Examiner, the Commander requests an opportunity to make a statement.

A That's right. It is entirely proper.

Q Commander Scheperle, are you a Naval flier?

A Yes, sir.

Q Are you checked out in all types of Naval aircraft?

A Yes, sir.

Q Does that include fighters and bombers?

A At one point in my career I have flown seaplanes, fighter planes, jet aircraft, helicopters, everything the Navy has got, which is a requirement for all Naval aviators.

Q You have flown off carriers as well?

A Yes, sir.

Q Did there come a time that you were directed or assigned to the Gyrodyne Company of America at St. James, Long Island?

A Yes, sir.

Q When was that?

A I was assigned here as a special assignment by the Bureau of Naval Personnel and I reported for duty one June, 1962. I was detached from that duty station 17th of May, 1965.

Q Commander, how long have you been in the Navy?

A I have a total of about 22 years of service at this time.

Q At or about the time that you took over your duties

with the respondent company, did you have a conversation with President Papadakos and an agreement with regard to unions?

A Yes, sir.

MR. LYONS: I object to any questions concerning 1962.

MR. LEINER: We are going to connect it further because it continues, Mr. Examiner. It started in '62.

TRIAL EXAMINER: All right, go ahead.

Q (By Mr. Leiner) Would you tell the Trial Examiner -- I am sorry -- did you rule, sir?

TRIAL EXAMINER: I told you to go ahead.

Q (By Mr. Leiner) Commander Scheperle, will you tell the Trial Examiner the circumstances of your agreement with Mr. Papadakos and what the terms of the agreement were?

A Yes, sir.

TRIAL EXAMINER: Are you talking now about a written agreement concerning a union?

MR. LEINER: No, sir. An oral understanding, Mr. Examiner.

TRIAL EXAMINER: All right.

A My predecessor's name was Lieutenant Commander Boyle. As is customary in the Navy when one command changes, the successor is briefed by his predecessor. During the course of that briefing Mr. Boyle was subjected to some embarassment as a result of an incident, the details

of which I am not familiar with, and he briefed me on this incident and as a result shortly after I assumed the duties as the RIC, I advised Mr. Papadakos that I or my staff did not wish to become involved in any union-management or labor discussions, and that if the subject came up and he had prior knowledge of it, he was requested to so advise me so that I could dismiss myself, and if the subject came up extemporaneously or inadvertently, that I would dismiss myself and for him not to be offended.

And he acknowledged this.

I might also add that during the course of the three years I had the duty, that he honored this request.

Q Commander, what is a program review session?

A In the DASH program, and by the way, does everybody know what DASH means?

Q Would you tell us what it means again?

A It means the destroyer antisubmarine helicopter, which is a remotely controlled helicopter designed specifically for fleet operations from destroyers.

This was a new weapon system and in the development of any weapon system where we for the first time marry aircraft to destroyers, there was a need for a lot of conferences and we normally refer to these conferences as DASH program review conferences, and they were scheduled periodically.

Q Was there a program review session in June of 1964?
A Yes, sir.
Q Were you present there?
A Yes, sir.
Q And were other Naval officers present there?
A Yes, sir.
Q Was Mr. Papadakos there?
A Yes, sir.
Q Do you recall whether Mr. Papadakos spoke about unions at that time with relation to the Gyrodyne Company?
A During the course of this conference, which was quite a large conference where a lot of Naval officers from Washington, from the fleets and technical representatives from the Navy Department, from the contract. These conferences normally would consist of a hundred-plus people. These conferences were divided up into subsessions, a lot of them. Usually there was a general conference and -- a day of that and subsessions, and I attended all these sessions, and in one of these sessions the subject of unions did come up and it was discussed.
Q What did Mr. Papadakos say about the unions and the Gyrodyne Company?
A All I can recall was that at this particular session we were discussing production schedules and delivery schedules and, of course, at this point in time production

schedules were increasing, delivery schedules were important, and he discussed -- he did mention at one of these sessions that he was having problems with the union and if the union came in he may have trouble meeting some of his production or delivery schedules.

Q I ask you, do you recall whether he said he opposed the union coming into Gyrodyne?

MR. LYONS: I object to the question.

TRIAL EXAMINER: Please don't lead the witness, Mr. Leiner.

Q (By Mr. Leiner) Do you recall anything else you said at that time?

MR. LYONS: I object to the question in view of the last question; leading and suggestive.

TRIAL EXAMINER: I will let him answer.

A I have no firm recollection, sir. The conference, there is a lot discussed.

Q (By Mr. Leiner) I show you this document and I ask you if it refreshes your recollection. Starting from the middle of the page with the words "he said.."

MR. LYONS: I object to this as improper. There is no proof that this witness needs his recollection refreshed.

MR. LEINER: He just testified he had no firm recollection, Mr. Examiner.

A Well, yes, this is generally the same thing I said,

that Papadakos has a contract with the Government to deliver certain materials and at that time he was committed to delivery schedules and that if the unions became firmly fixed, it would involve the costs. The costs might go up. It might involve delivery schedules and production schedules.

This is normal conversation. These things are normally discussed at this type of program review conference where you discuss these things. It's the purpose of it.

On that basis I would say that as a Government contractor he did not want any other variable factors that might influence his delivery problems, so I would say that probably he did iterate some opposition to unions.

Q Do you recall whether in or about August 1964 Mr. Papadakos again spoke about the union and the Gyrodyne employes?

MR. LYONS: I object to any conversation in August of 1964. Not within the issues of this hearing.

TRIAL EXAMINER: I will permit it.

Did you have a conversation in August of 1964?

A Yes, in August '64. This is not a DASH program review conference. This is another occasion where I think Commander Mellon and Mr. Olmstead came up to investigate a noise complaint.

In the processes of discussing this as one of our problems which obviously was again interfering with our

acceptance procedures, as one of the problems the discussion was pertaining to unions.

Again I think it was about an annual election time or something of that nature. I'm not sure when the annual election was held at Gyrodyne. It was in this connection that, yes, the subject of the unions was discussed.

Q Now, would you tell the Trial Examiner what Mr. Papadakos said at that time -- withdrawn.

Why do you remember that it was in August of 1964?

A Well, because there was a complaint by local citizens about noise.

Q Would you tell the Trial Examiner what Mr. Papadakos said?

A This was being investigated -- let me finish -- this excess noise problem was a subject of a letter written by the citizen to the Secretary of the Navy and it was necessary for the Navy, of course, to investigate this and respond to the citizen, as we always do, and it was in this connection that the visit was made and we toured the Gyrodyne property and in the processes of touring the property we discussed not only that problem but other problems, too, that might interfere with acceptance and delivery schedules.

Q Now, would you tell the Trial Examiner what Mr. Papadakos said at that time about unions?

A Well, frankly, there was some discussion about unions being big business in that union members collect dues. The unions themselves -- the union members pay dues and the unions collect the dues. And as a result they have a tremendous buying power, and then they, of course, exert certain influences on the company.

Myself at this particular time, I again, as I had on previous occasions, reiterated my position to Mr. Papadakos and excused myself. I know nothing further about the discussion.

Q Did you ever hear Mr. Papadakos speak about any petitions that he had with regard to his own employes and the union?

MR. LYONS: I object to this.

TRIAL EXAMINER: Mr. Leiner, you must learn not to lead the witness.

MR. LEINER: This is preliminary. I could go around and around.

TRIAL EXAMINER: You just ask the proper questions in the proper way.

Q (By Mr. Leiner) Do you recall what else he said in this August conversation?

A No. After I dismissed myself, I returned to my office. I didn't discuss it any more with him.

Q Do you recall whether on or about the same day Mr.

Papadakos again spoke about unions?

MR. LYONS: I object to the question. Improper.

Q (By Mr. Leiner) Do you have a recollection of that, Mr. Scheperle?

A No. You have a statement there.

Q I show you this document and I ask you to read, starting with the first full paragraph toward the top of the page with the word "subsequently."

MR. LYONS: I object to this as improper direct examination.

TRIAL EXAMINER: It's irregular, I will say that, Mr. Leiner.

Go ahead.

Q (By Mr. Leiner) Does that refresh your recollection as to whether he continued to speak about unions, Mr. Scheperle?

A Well, I thought I made that point clear.

Q You said you dismissed yourself from his presence.

A Yes. After I dismissed myself I didn't discuss it with him any more.

Q Well, were you in the presence of Mr. Knecht, Commander Mellon, Commander Olmstead and Mr. Papadakos during that day?

A Yes, sir.

Q Did Mr. Papadakos talk about--

MR. LYONS: I object to this form of questioning.

Q (By Mr. Leiner) I would like you to think -- excuse me.

TRIAL EXAMINER: Commander, counsel properly should be inquiring concerning the subject matter of this particular meeting which you have described. He should ask you to give your recollection, your full recollection as of today as to what was said at that particular meeting without regard to production or union or general social chit chat.

THE WITNESS: You mean you want the entire tenor of the whole meeting?

TRIAL EXAMINER: During the time you were present, as you recall it.

THE WITNESS: Okay. This whole day was devoted to a visit by Commander Mellon and Lieutenant Commander Olmstead and myself, Mr. Papadakos and Mr. Knecht, and the purpose of their visit was to investigate this letter.

I think the complainant was Mr. Halloran who lives adjacent to the property, and he had written a letter to the Secretary of the Navy complaining about excess rotor noise which emanated from the tethering rig.

To get a first-hand report of this in company with all these people, we actually walked to the edge of Mr. Halloran's property and then we listened to the noise ourselves. We discussed how to avoid the noise, what barriers we could put up to make the noise more

compatible. We discussed additional problems of moving the tethering rig.

As a matter of fact, at that particular point in time it was planned to move it to a different location which would be farther from the -- from its location and farther from his house.

As we strolled across the property down this way we discussed many problems that were similarly associated. When could the move be made, what impact would it have on check and test procedures, flight test procedures. What impact would it have on delivery schedules, if we could not satisfy this complaint.

Then further in the discussion as we proceeded back towards the main office the discussion digressed to, among other things, the union. Again Mr. Papadakos reiterated this was not his only problem, that he had other problems, and he was a very busy man, and that the subject of unions was again discussed in our presence.

When we arrived back at the building I advised Mr. Papadakos of my policy and actually dismissed myself. He acknowledged this. He was not offended at all.

But this discussion, as far as unions, if this is what you are driving at, it was generally about if the unions came in certainly it would interfere with flexibility that he has. Moving people, utilizing his people. Probably

would also interfere with his job classification somewhat because he is a small growing company and he does a very good job, I think, of utilizing his people.

But if the unions come in, obviously, they will classify the people to certain job type categories and this no doubt would interfere with his management problems.

And by the time we got back to the building I dismissed myself.

Is that cleared up for you? That's the tenor of that whole meeting.

Q Mr. Scheperle, do you recall anything else that occurred in this stroll between the tethering site and back to the building with regard to Mr. Papadakos talking about the union?

A At this particular point in time, no.

Q I show you this document and ask you to read from the word "he" on the fourth line from the bottom of the page.

MR. LYONS: May I object to this question, what counsel is doing in relation to this witness.

Q (By Mr. Leiner) I ask if that further refreshes your recollection.

TRIAL EXAMINER: Is that a pretrial statement taken by you from Commander Scheperle?

MR. LEINER: Yes, sir.

TRIAL EXAMINER: All right. I will permit him to look at it.

A He said he suspected some of these representatives of being dually employed by both company and union.

Q Would you tell the Trial Examiner in full if that refreshes your recollection as to anything that Mr. Papadakos said?

A He did not amplify any more. He did not discuss this with me specifically. This was just something that was discussed to the group.

Q What did he say to the group?

I mean by that, Mr. Papadakos.

MR. LYONS: I object to this cross-examination of the witness. There has just been a paper shown to him and the witness has given an answer. Now there is a cross-examination concerning it. I object to this.

MR. LEINER: I am refreshing his recollection as to a very minor point.

TRIAL EXAMINER: I will sustain the objection. I don't like it.

MR. LEINER: I take exception to it, Mr. Examiner.

TRIAL EXAMINER: Very well.

Q (By Mr. Leiner) Thereafter do you recall any conversation in which Mr. Papadakos spoke about unions?

A No, sir. Not specifically. There is one thing I would

No. 22,186

United States Court of Appeals

FOR THE
DISTRICT OF COLUMBIA CIRCUIT

596

INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE AND
AGRICULTURAL IMPLEMENT WORKERS
OF AMERICA (UAW),

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent.

ON PETITION TO REVIEW AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD

United States Court of Appeals
for the District of Columbia Circuit

FILED APR 14 1969

Nathan J. Paulson
CLERK

APPENDIX

VOLUME II

MARCEL MALLET-PREVOST
Assistant General Counsel
National Labor Relations Board
Washington, D. C.

JOSEPH L. RAUH, JR.
JOHN SILARD
ELLIOTT C. LICHTMAN
United Automobile Workers
1001 Connecticut Ave., N.W.
Washington, D. C. 20036

THE CASILLAS PRESS, INC. — 1717 K Street N. W. — Washington, D. C. — 223-1220

INDEX

	Page
Excerpts from Transcript of Proceedings	1
Proceedings	3
Witnesses:	
Robert Reichle	
Direct	27
Cross	38
Recross	61
John S. Hughes	
Direct	62
Cross	70
Michael Zafrano	
Direct	74
Peter Roman	
Direct	121
Cross	175
Redirect	219
Ernest A. Petito, Jr.	
Direct	248
Urbano Carl Giovanniello	
Direct	287
Cross	304
Stanley J. Svandrlik	
Direct	306
Cross	323
Redirect	335
William J. Aylward, Jr.	
Direct	349

Page

Witnesses: (Cont'd)

Martin J. Pipia
Direct 513
Cross 529

Peter K. Bohler
Direct 558

Joseph Damato
Direct 629
Cross 648
Redirect 672

Frank Lodato
Direct 674

Joseph Damato
By Examiner 711
Direct 712

Frank Lodato
Cross 713
Redirect 737

Michael A. Billone
Direct 743
Cross 765

Richard Waltz
Direct 827
Cross 833

Jonathan J. Rosenblatt
Direct 869
Cross 897

Stewart Powell
Direct 916
Cross 923
Redirect 930
Recross 935

Witnesses (Cont'd): Page

Richard S. Thompson, Jr.
Direct 936
Cross 977
Redirect 1027
Recross 1050

Cletus W. Scheperle
Direct 1051

John G. Wolf
Direct 1086
Cross 1105

Angelo Puterior, Jr.
Direct 1112
Cross 1126
Redirect 1132
Recross 1133

Edward Pacilio
Direct 1133
Cross 1140

Robert L. Martinez
Direct 1158
Cross 1180
Redirect 1198
Recross 1201

Frank Vella
Direct 1205
Cross 1213
Redirect 1240

Lucien Marsan
Direct 1245
Cross 1259

Witnesses (Cont'd.)	Page
Edward Galvani	
Direct	1265
Cross	1274
Carl G. Schmidt	
Direct	1280
Cross	1296
Redirect	1303
Walter Kargauer	
Direct	1312
William Fluellen	
Direct	1345
Cross	1354
Michael J. Petralia	
Direct	1359
Cross	1373
Redirect	1382
Edward W. Hurley	
Direct	1384
Cross	1392
Redirect	1394
Recross	1395
Frank Lupardo	
Direct	1398
Cross	1416
Lewis E. Urban	
Direct	1424
Cross	1438
Augustus Bentivegna	
Direct	1453
Cross	1460
Redirect	1462

Witnesses (Cont'd.) — Page

Wallace E. Wall
Direct . . . 1462
Cross . . . 1476
Redirect . . . 1488

August Preite
Direct . . . 1489
Cross . . . 1499

Carmine Dota
Direct . . . 1504
Cross . . . 1515
Redirect . . . 1527

Dorothy Mae Papadakos
Direct . . . 1545

Gust Johnson
Direct . . . 1571
Cross . . . 1580
Redirect . . . 1623

Dorothy May Papadakos
Direct . . . 1638
Cross . . . 1642

Peter Papadakos
Direct . . . 1790
Cross . . . 1935

Anthony Caliendo
Direct . . . 2048
Cross . . . 2215

John Hollwedel
Direct . . . 2319
Cross . . . 2382

Witnesses (Cont'd.) Page

Peter Papadakos
Cross 2439

Peter Ackles
Direct. 2524
Cross 2569

James Sullivan
Direct. 2627
Cross 2659

George Mancini
Direct. 2709
Cross 2742

Louis Alfieri
Direct. 2803

Warren Hauck
Direct. 2860

Frank Loganzo
Direct. 2887

Elton Balch
Direct. 2907
Cross 2925

Robert P. Southworth
Direct. 2941
Cross 2956

Vincent G. Reed
Direct. 2972
Cross 2976

William G. Dennis
Direct. 2985
Cross 3005

Witnesses (Cont'd.) — Page

James Manico
Direct . . . 3039

Louis C. Jansky
Direct . . . 3063
Cross . . . 3067

Groff Ward
Direct . . . 3074
Cross . . . 3081

Albert Morel
Direct . . . 3090
Cross . . . 3097

Donald Francis Cook
Direct . . . 3104
Cross . . . 3122

Albert A. Beltran
Direct . . . 3137
Cross . . . 3154

Thomas Bousquet
Direct . . . 3163

Bernard John LeBrun
Direct . . . 3165

Roland Bacchus
Direct . . . 3167
Cross . . . 3170

Harry Hoffman
Direct . . . 3171
Cross . . . 3190

Witnesses (Cont'd.) Page

Donald G. Samuels
Direct 3203
Cross 3212

Joseph M. Bruno
Direct 3214

Dominick Aversano
Direct 3233
Cross 3235

Edward Rogienski
Direct 3239
Cross 3242

Albert G. Dicks
Direct 3252
Cross 3255

John B. Strickle
Direct 3273

Richard S. Thompson
Direct 3281

Peter Roman
Direct 3289

Arthur Nierenberg
Direct 3315
Voir Dire 3318

VOLUME IV

TABLE OF CONTENTS

Prehearing Conference Stipulation, dated September 11, 1968

Prehearing Order, Filed September 27, 1968

Trial Examiner's Decision, dated January 21, 1966

Excerpts from General Counsel's Statement of Exceptions to the Trial Examiner's Decision

Excerpts from Exceptions and Brief of Charging Party to Trial Examiner's Decision and Rulings

Board's Decision and Order, dated March 12, 1968

General Counsel's Exhibits:

1(c)– First Amended Charge Against Employer

1(e)– Second Amended Charge Against Employer

1(i)– Fourth Amended Charge Against Employer

1(y)– General Counsel's Opposition to Respondent's Petition to Revoke Subpoena Duces Tecum

1(aa)– Order on Petition to Revoke Subpoena Duces Tecum

1(cc)– Order Rescheduling Hearing

2 – Subpena Duces Tecum

3 – Excerpts from Employee Manual of Personnel Policies of Gyrodyne Company of America, Inc.

4 – Authorization to UAW-AFL-CIO signed by Peter Roman

7 – Authorization card signed by Urbano C. Giovanniello

General Counsel's Exhibits (Cont'd):

9	–	Authorization card signed by S. J. Svandrlik
10	–	Subpena Duces Tecum
11	–	Letter of Transmittal from Gyrodyne Company to NLRB and List of All Employees who Terminated During the Period January 1, 1964 through October 31, 1964, dated December 23, 1964
12	–	Authorization card signed by Martin J. Pipia
13	–	Authorization card signed by Joseph Damato
14	–	Authorization card signed by Frank Lodato
15	–	Authorization card signed by Michael A. Billone
16	–	Subpena Duces Tecum
18	–	Inspection Report dated July 2, 1964
20	–	Memorandum from RIC-BuWeps-Q.C. to J. E. Hollwedel dated August 21, 1964
21	–	Authorization card signed by Stewart Powell
22	–	Approximate Contract Value 1960–1965
31	–	Authorization card signed by John G. Wolf
32	–	Authorization card signed by Angelo Puterio, Jr.
33	–	Report to Employees "How the 1964 Sales Dollars Were Distributed"
34	–	Report to Employees "How the 1963 Sales Dollars Were Distributed"
35	–	Authorization card signed by Edward P. Pacilio

General Counsel's Exhibits (Cont'd):

38 – Authorization card signed by Frank D. Vella

40 – Authorization card signed by Lucien Marsan

41 – Authorization card signed by Edward Galvani

44 – Authorization card signed by Carl G. Schmidt

45 – Authorization card signed by Wlater Kargaver

47 – Authorization card signed by William Flueller

48 – Authorization card signed by Michael Petralia

49 – Authorization card signed by Edward W. Hurley

50 – Authorization card signed by Francis J. Lupardo

51A – Flyer from UAW Organizing Committe "Company Promises Or UAW Guaranteed Contract"

51B – Letter from UAW Organizing Committe to "Dear Sir and Brother, dated February 11, 1964

51C – Flyer from Gyrodyne-UAW Organizing Committee "Gyrodyne Seniority System"

51D – Flyer from UAW-Gyrodyne Organizing Committee "Gyrodyne Security Just or Unjust?"

51D-1– Notice from Gyrodyne-UAW Organizing Committee to All Gyrodyne UAW Card Signers, dated April 2, 1964

51-E–51-Z Flyers from UAW-Gyrodyne Organizing Committee

51-AA – Flyer from UAW-Gyrodyne Organizing Committee

52 – Authorization card signed by A. Bentivegna

53 – Authorization card signed by Wallace E. Wall

General Counsel's Exhibits (Cont'd):

54 – Authorization card signed by August J. Preite

Respondent's Exhibits:

2 – Employment record card

14A – Letter from a Gyrodyne Employee

16 – Affidavit of Gust Johnson

20 – Letter from The Secretary of Defense to Mr. Papadakos, dated December 2, 1963

21 – Letter from The White House to Mr. Papadakos, dated December 2, 1963

22 – Letter from The White House to Mr. Papadakos, dated April 26, 1965

23 – Letter from Gyrodyne Company to Fellow Employees, dated May 11, 1965

26 – Communication from Department of the Navy dated March 19, 1964

Subpena Duces Tecum

28 – List of "Tool Name & Number"

30 – Inspection Fixtures Nos. (List)

Charging Party Exhibits:

8 – Petition to Revoke, Case No. 29-CA-57

AFTERNOON SESSION (2 p.m.)

TRIAL EXAMINER: On the record.

JOHN G. WOLF

a witness called by and on behalf of the General Counsel, being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your name for the record, please?

A John Wolf.

Q Do you have a middle initial, Mr. Wolf?

A "G."

Q Where do you reside, Mr. Wolf?

A 78 Pinedale avenue, Farmingdale, Long Island.

Q When were you first hired by the Gyrodyne Company?

A September of 1963.

Q What was your job when you were hired?

A Drill press operator.

Q Were you terminated on June 29, 1964?

A Yes, I was.

Q What was your job at that time?

A Drill press operator.

Q Did you ever change -- withdrawn.

Were you employed in the machine shop for the entire period of your employment with the company?

A Yes.

to fifteen.

Q When you say nine people, does that include the entire number that's on the night shift?

A To my knowledge, yes.

Q You say it went to about 15?

A Yes.

Q When did it go to about 15?

A It increased slowly.

Q Who was -- what jobs were performed on the night shift?

In other words, what classifications worked on the night shift in the machine shop?

A Engine lathe, milling, grinding and drill press.

Q Do you know the name James Manico?

A Yes.

Q Who is James Manico?

A He was in charge of the night shift.

Q When you say in charge of the night shift, what did he do on the night shift and what did he do with respect to the employes on the night shift?

A If you had trouble on the job you had to have another job, he would give it to you. I asked him for raises. Full charge, as far as I know.

Q Did anybody tell you that he was in full charge?

A Yes.

Q Who?

A The second time I went back on nights, George Mancini.

Q Who is George Mancini?

A Supervisor of the shop.

Q When you say supervisor of the shop, supervisor of what shop?

A Machine shop.

Q You said that he told you that Manico was in full charge?

A Yes.

Q When did he tell tou that?

A At the second talk he had with the fellows in the shop. When we went back on nights for the second time.

Q Do you recall when that was, to the best of your recollection, Mr. Wolf?

A March or April.

Q I didn't hear you.

A March or April.

Q What year was that?

A 1964.

TRIAL EXAMINER: What was the name of the man that told you Manico was your lead man?

THE WITNESS: George Mancini.

Q (By Mr. Leiner) Again, Mr. Wolf, what did Mancini tell you?

TRIAL EXAMINER: That he was in charge of the machine shop

MR. LEINER: Right. I thought you used some other word, Mr. Examiner.

Q (By Mr. Leiner) What was your starting salary or rate of pay, Mr. Wolf, when you first joined the company?

A $2.50 an hour.

Q Did you thereafter receive an increase?

A Yes.

Q About when did you receive the increase?

A I think it was March but it was effective from January, I got back pay.

Q You received the increase in March of 1964?

A I believe so.

Q Would you tell the Trial Examiner what happened and how you received the raise?

A Well, we heard that everybody was, you know, review time was coming around and I was on nights at the time and Jimmy Manico had made our reviews out.

Q What do you mean by"Jimmy Manico had made our reviews out"?

A We have a yearly review, a small booklet in how you progress. What the boss thinks of you.

Q Does Jimmy Manico make it out?

A Yes, he did.

Q Continue, Mr. Wolf.

A And then in the daytime George Mancini had looked it

over and I guess it was up to him, too. They decide between them and I was called in the office and George Mancini had talked to me. I believe Jimmy Manico was present, too. And he had told me that I was going to receive a 15-cent increase an hour, and I told him I wasn't satisfied with it. So he had told me that--

Q Who is "he"?

A George Mancini told me that he would see if he could get me more.

Q What happened after that, Mr. Wolf?

A Well, there also was a piece of paper attached to my review on top.

Q Did you see that piece of paper?

A Yes, I did.

Q What did it say on that piece of paper?

A It said "John is equal to or better than any drill press operator we have ever had."

Q Who wrote that, as far as you know?

A George Mancini told me he wrote it.

Q What happened with regard to your raise?

A It was a day, two or three, I forget now, but he had called me back into the office--

Q Who is "he"?

A George Mancini.

Q What did he say to you?

A That George Mancini had gotten me a 25-cent increase per hour.

MR. LEINER: Will you give me a moment, Mr. Examiner? Excuse me.

Would you mark this for identification, please?

(Thereupon the document referred to was marked General Counsel's Exhibit No.31 for identification.)

Q (By Mr. Leiner) Mr. Wolf, I show you General Counsel's 31 and I ask you to identify it, please.

A This is my signature.

Q Do you know what the General Counsel's 31 is? What is this?

A It's a UAW card.

MR. LEINER: I offer it in evidence, Mr. Examiner.

Do you want this, Mr. Curley?

MR. CURLEY: Thank you.

Mr. Trial Examiner, I object to the introduction of this card on the same grounds as advanced by respondent for the introduction of similar material.

TRIAL EXAMINER: What's the date of that card?

MR. LEINER: The date is 2-6-64.

TRIAL EXAMINER: General Counsel's Exhibit 31 is received over objection of counsel for the respondent.

(General Counsel's Exhibit No.31 for identification was received in evidence.)

time, you know, Mr. Curley, how I ruled on this in the past.

MR. CURLEY: Yes.

TRIAL EXAMINER: You know, too, that you have a standing objection to any inquiry of this nature. Pending the establishment of supervisory status of these so-called lead men. I think you are protected on the record.

MR. CURLEY: May I offer a further ground, Mr. Trial Examiner, that ground being that the witness is about to testify concerning a conversation had in February or March, 1964, with Manico, who is mentioned in the complaint.

However, the complaint, as amplified by the bill of particulars, makes an allegation of unfair labor practice in regard to -- allegedly committed by Manico only in the period of April through June, 1964.

MR. LEINER: The witness has not testified as yet, Mr. Examiner.

TRIAL EXAMINER: Tell us about this conversation you had with him, please.

THE WITNESS: Please repeat the question.

Q (By Mr. Leiner) Yes. I asked you, Mr. Wolf, did you ever discuss this card with any supervisor, and you said yes -- or lead man, and you said"yes, with Jimmy Manico."

The Trial Examiner asked you what the discussion was about, who said what to whom.

A We were talking about the union one night and to the

best of my knowledge he had told me that he had sent one in also. And I admitted to him that I also have sent one into the union.

Q Do you recall any other part of the conversation with Mr. Manico that took place at that time?

A Not at that conversation.

Q Had Mr. Manico ever expressed his opinion of unions to you at or about this time?

A It may have been a week or two later. We were talking about a union again and he had told me that a union in this place would ruin the old man.

Q Do you know what else he said at this time?

A Well, I don't remember if it was exactly at that time. It was one of the conversations around then, I should watch my step who I talk to because there are rats in the place and it may get back.

MR. CURLEY: May we have a date set for this conversation?

MR. LEINER: He set the date, Mr. Examiner.

TRIAL EXAMINER: You don't mind him telling what the date was, do you?

Q (By Mr. Leiner) I would be glad to. Do you know particularly what date this conversation took place on?

A The end of February, March; somewhere around that time, I guess. It's hard to -- it's a year ago.

Q Did you have any further conversations with any

supervisor or lead man with regard to the union?

A Jimmy Manico had come up to me one night and he had told me that George Mancini felt that I might be a union organizer.

Q What else did Mr. Manico say?

A He had told me that he thinks he straightened everything out with George Mancini.

Q Would you tell the Trial Examiner if you recall the entire episode of how this remark by Mr. Mancini occurred?

A Well, there was a man named Jimmy Briggs. One day he-- he wasn't a milling hand but they put him on a milling machine and I was running the job on nights. And the milling hands were given approximately 45 pieces a shift.

The day he went on it he made 80 pieces. At night when I came in I looked on the time sheet and I seen 80 pieces down and I went over to him and I asked him, "What are you trying to do, kill the job?"

So I imagine that's what happened as far as --

Q Well, did Mr. Manico mention the fact that you had spoken to Briggs about this?

A Oh, yes; he knew about it.

Q What did he say to you?

A He said"you should watch what you say."

Q How long after that did you have the discussion with Manico with regard to the statement that you just said

about Mr. Mancini believing that you were a union organizer?

A Sometime the same week.

Q To the best of your recollection when did this incident occur when Manico told you that Mancini believed you were a union organizer?

A I think it was after the card was signed. April, I imagine, April or May.

Q What year was that?

A 1964.

Q Thereafter did you have another conversation with any supervisor or lead man with regard to the union or union activities?

A One night the union was outside passing out literature and I received one. When I went in the shop it was later on, maybe around 7, 8 o'clock, I guess.

Q Was that at night?

A At night. And Jimmy Manico had come over to me and he asked me if I had one of those pamphlets that the union was passing out. I said, "Yes, I do." I asked him what he wanted with it. He said, "The old man wants to see one or two of them."

So I said, "Well, there is one by my tool box."

So he went over and got it and came back to me and he says, "Do you know of anyone else that has one of these?"

I said, "I think Louie Marsan has one, too," and that

was all.

Q Did you thereafter request or at or about this time--I will withdraw that, Mr. Examiner.

Did you request another raise from any supervisor or lead man of respondent?

A Yes.

Q When?

A May or June it was.

Q Of what year?

A 1964.

Q Who did you ask to give you another raise?

A I asked Jimmy Manico and Jimmy Manico told me he had to talk to George Mancini about it.

Q What was the result of that? Did you ever speak to Mr. Mancini or Mr. Manico about their decision on your request?

A Yes, to Jimmy Manico.

Q What did he say?

A He told me it was refused.

Q Did he tell you why?

A He said I did not produce enough work.

Q Do you recall any supervisor of the company addressing the machine shop employes as a group?

A Yes.

Q How many times were they so addressed?

A To the best of my knowledge, twice.

Q Who addressed them?

A George Mancini.

Q. When was the first time?

A Sometime around the beginning of the year.

Q What year?

A 1964.

Q When was the second time?

A Just before we went back on nights.

Q When was that?

A I believe in April, April or May.

Q Would you tell the Trial Examiner what -- was there work going on when Mr. Mancini spoke?

A No.

Q About how many people were there all together, machine shop employes, do you know?

A The whole shop, 40, I guess.

Q What time of the day was the first one, about, to the best of your recollection, Mr. Wolf?

A It was either ten minutes before noon or ten minutes before going home. I don't remember. One of them I think was at noon and one of them was at night.

Q The first one, in either event, what did Mancini say to the assembled machine shop employes?

A That we had plenty of work and they were going to

receive work which they were farming out, and they were going to get new jobs in and there was plenty of work and nobody had to worry about getting laid off or anything.

Q What did he say in the second speech to the machine shop, do you recall?

A Well, that's when he told us that we were going to go back to nights, start the night shift again, and Jimmy Manico would be in charge.

Q In the night shift you testified that you had -- that Mr. Manico on occasion asked you for a leaflet that the union had given out.

A Yes.

Q Where did he find the leaflet that you said that you had?

MR. CURLEY: Mr. Trial Examiner, if the witness knows, of course.

MR. LEINER: I don't understand the nature of Mr. Curley's statement.

TRIAL EXAMINER: Stop arguing.

Answer the question, will you, please?

A On my tool box. We had a wagon we kept out tool boxes on. Mine was laying right on the wagon where my tool box was.

Q Did you ordinarily keep union pamphlets on your tool box?

MR. CURLEY: There is no foundation laid for that

question.

TRIAL EXAMINER: Overruled.

A Not that I recall, but at that time I did.

Q (By Mr. Leiner) Did any other employes that you know of in the machine shop keep union pamphlets on or about their tool boxes?

A I know Wally Kargauer definitely did.

Q Anybody else?

A I think Louie Marsan.

Q Anybody else?

A Others. I am not very good in remembering names.

Q You were terminated on the 29th of June, 1964?

A Yes.

Q Who terminated you?

A I don't know his name.

Q Would you tell the Trial Examiner to the best of your recollection what happened when you were being terminated?

A I was running my job and I think it was Jimmy Manico said they wanted to see me upstairs in the lunch room.

Q Was this in the night or the day?

A At night around 7 o'clock I believe it was. And I went upstairs and there was a security guard there and I think there was a man from personnel. They told me there was going to be a lay-off and I was paid off and they were in an awful hurry to get you out of the plant.

Q Did you ask why you were being laid off?

A Yes.

Q What did they tell you?

A I believe it was about a spare parts contract being lost.

Q Being lost?

A Yes.

TRIAL EXAMINER: You believe what?

THE WITNESS: That there was a spare parts contract that they lost.

Q (By Mr. Leiner) Was that the reason--

TRIAL EXAMINER: Do you mean by that that they didn't get a contract so there wasn't work?

THE WITNESS: What I understand, they had it but they lost it or something. I never heard anything about it. Just there was a little talk in the shop about losing a spare parts contract. They make the birds plus spares go with them.

Q Did you hear that in the shop or did it -- was this mentioned by the personnel man?

A I believe the personnel manager said it.

TRIAL EXAMINER: Manico told you to go up to the personnel department. You got up there and the personnel man told you that -- what did he tell you?

THE WITNESS: There is going to be a lay-off and I was

selected as one of them.

Q Did he give you a reason why you were selected?

A The spare parts contract.

Q Now, at the time you were terminated, Mr. Wolf, do you know of your own knowledge of any machine shop employes who were drill press operators who were hired after you but remained in the employ of the company at the time you were terminated?

A Yes.

Q How many?

A Two, I think it was.

Q Do you know the names of the both of them?

A Of one I know.

Q What's his name?

A Tony orlando.

Q Do you know the name of the other one?

A No.

MR. LEINER: I have no further questions.

Q (By Mr. Rubenstein) Mr. Wolf, I think you said before that Manico told you that when he wanted the leaflet, he told you that the old man wanted to see it; is that right?

A That's correct.

Q Did he tell you who the "old man" was?

A Well, everybody knew the old man is Papadakos.

Q And you took it he wanted to see the leaflet?

A That's correct. Everybody called him "the old man."

MR. RUBENSTEIN: May I be excused for a few minutes?

MR. LEINER: May we have a one-minute recess prior to the cross-examination?

MR. CURLEY: May I see the statement so no time is wasted, Mr. Trial Examiner?

MR. LEINER: Yes, sir.

May it please the Examiner, General Counsel now hands to counsel for respondent the statement of John G. Wolf in General Counsel's possession.

(Short pause)

CROSS EXAMINATION

Q (By Mr. Curley) Mr. Wolf, Mr. Manico at the time you were at Gyrodyne had title -- had a title which was commonly referred to, is that correct?

A Yes.

Q Is that title "lead man"?

A Yes, it was.

Q You testified that Mr. Manico was the person who saw Mancini about raises, is that correct?

A Yes.

Q You don't know -- strike that, please.

As a matter of fact, you know that Manico had no power to grant raises, is that correct?

A I think in this classification I was.

Q Were there other people doing similar work?

A Yes.

Q Who were they?

A Sometimes a fellow named Mario, I forget his last name now. A couple of times a man named Eddie White was on the drill press. There was one other fellow but I forget his name now.

Q Was your work laid out for you when you arrived at the plant?

A It was on the time sheet what job I went on. I just went on the job and did it.

MR. LEINER: Excuse me, Mr. Examiner. Would you admonish the witness to keep his voice up? He mumbles at the end of his answers.

TRIAL EXAMINER: Try and speak louder.

Q (By Mr. Curley) You followed the instructions on the time sheet, is that correct?

A Yes.

Q Mr. Manico was the lead man on the night shift. I think that's the testimony.

A Yes.

Q And in addition to the machine shop personnel, there was one mechanical inspector?

A Yes.

Q Customarily what machine did Mr. Manico operate on the night shift?

A Actually he was never on production. If a tool broke down for one of the machinists or something, he would regrind it. Or if sometimes -- I think there was a couple times he had to do some production because they were behind in work.

Q How long did those periods last when he was engaged in production work?

A Very short.

Q Do you know who made out the time sheets we have just referred to, Mr. Wolf?

A I am not positive but I think the clerk. It was the clerk's job.

Q He got his orders from Mr. Mancini or Mr. Huber?

A I imagine so. I don't really know.

Q This was -- this night shift was not an overtime operation, is that correct?

A Not to my knowledge.

Q It was a simple shift?

A That's correct.

Q In the night shift it is generally a little easier to work, there is a freer flow of conversation between the people, is that correct?

By that I mean, Mr. Wolf, things are not as formal as

they are on the big day shift?

MR. LEINER: Mr. Examiner, it assumes a fact not in evidence whatsoever. Not testified to on direct, as to the formality of the day shift. If we establish that the day shift was formal, I think it's a proper question.

TRIAL EXAMINER: You may answer.

A I talked when I was on the day shift. Maybe I did a little more on nights. There was nobody around except Jimmy Manico and sometimes he was busy someplace else.

Q Therefore there was a little more freedom for the employes?

A I would say that, yes.

Q There was a lot of joking around, is that correct?

MR. RUBENSTEIN: I object to it.

TRIAL EXAMINER: What's all this have to do with the case, Mr. Curley? Please get down to the facts here. Let's see if we can't make some progress.

Q (By Mr. Curley) Mr. Mancini never engaged in any conversation with you concerning union activities, is that right?

A No, not to my knowledge.

Q Well, your answer is a little unclear to me.

A He never talked about union activities.

Q With you?

A No.

Q When Mr. Manico told you he had sent a card into the UAW and then you said to him you had also sent one in, is that correct?

A Yes.

Q Was that the extent of the conversation at that time?

A I imagine there was more but offhand I don't remember.

Q Anyway, that was the start of the conversation, at any rate?

A It may not have been the start. It took place in a conversation I remember between us.

MR. CURLEY: I have no more questions, Mr. Trial Examiner.

MR. LEINER: General Counsel has no questions on redirect.

TRIAL EXAMINER: Thank you, Mr. Wolf. You are excused.

(Witness excused)

MR. LEINER: May I call the next witness, Mr. Examiner?

TRIAL EXAMINER: Yes.

MR. LEINER: Thank you.

ANGELO PUTERIO, Jr.,

a witness called by and on behalf of the General Counsel, being duly sworn, was examined and testified as follows:

MR. CURLEY: May the record show I am returning Mr. Wolf's affidavit to Mr. Leiner.

MR. LEINER: Thank you, Mr. Curley.

Mr. Examiner, I ask your indulgence to permit me to

put my file back in some sort of shape just for a second.

TRIAL EXAMINER: We waste more time in this hearing than any hearing I have ever been in that I know of. Why don't you do your clerical work outside, for goodness' sake.

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your name for the record, sir?

A Angelo Puterio, Jr.

Q Where do you reside?

A 111 Stanley Drive, Center Reach, New York.

Q Were you ever employed by the Gyrodyne Company? If so, when did you first start to be employed?

A October, 1961, first time.

Q What was your job at that time?

A Mechanical inspector.

Q Did you thereafter leave the employ of the company?

A Excuse me?

Q Did you thereafter leave the employ of the company?

A Yes, I did.

Q When was that?

A In January, 1962.

Q Did you then return to the employ of the company?

A Yes, I did.

Q When was that?

A That was in May, the end of May, 1963.

Q When you were first employed by the company, what was your job?

A Mechanical inspector.

Q When you returned to the employ of the company, what was your job?

A Mechanical inspector.

Q Were you terminated by the company on June 29th?

A Yes.

Q Do you recall how many -- where do you work as a mechanical inspector, Mr. Puterio?

A I was in the machine shop a little bit and then I was in receiving and tool and gauge.

Q At the time of your termination where did you work?

A In receiving.

Q How many mechanical inspectors were there in the receiving department?

A I think there was eight or nine.

MR. LEINER: Would you mark this for identification, please, as General Counsel's 32?

(Thereupon the document referred to was marked General Counsel's Exhibit No.32 for identification.)

Q (By Mr. Leiner) I show you General Counsel's 32 for identification, Mr. Puterio, and ask you to identify it, please.

A It's the card I signed and sent into the UAW.

MR. LEINER: I offer it in evidence, Mr. Examiner.

MR. CURLEY: Same objection, Mr. Trial Examiner.

TRIAL EXAMINER: Yes. Please mark 32 in evidence, General Counsel's 32 in evidence.

(General Counsel's Exhibit No.32 for identification was received in evidence.)

Q (By Mr. Leiner) Mr. Puterio, did you ever speak to any supervisor or lead man in the company with regard to the union?

A Yes.

MR. CURLEY: I object to him leading the witness, Mr. Trial Examiner.

TRIAL EXAMINER: Now, look, leading questions generally speaking on important points are obnoxious. Leading questions are properly put when for introductory purposes or the purpose of saving time. These interminable objections on things that don't amount to anything are just keeping us from making any progress in this case and I wish you would stop it.

I said it before and I will say it again.

Did any supervisor ever speak to you or did you ever speak to any supervisor?

THE WITNESS: Yes, sir.

TRIAL EXAMINER: Which was it?

THE WITNESS: The name of the supervisor?

TRIAL EXAMINER: No. Did you speak to the supervisor first or did the supervisor speak to you first about the union?

THE WITNESS: I believe I spoke first.

TRIAL EXAMINER: Tell us when it was and what was said.

THE WITNESS: It was in the inspection area at my bench and I mentioned to him--

Q (By Mr. Leiner) Mentioned to whom?

A Mr. Buddy Hauck.

Q Who is Buddy Hauck?

A The assistant foreman.

Q Of what department?

A Inspection. I told him that I believe we needed a union in this place. And with a disgusted look at me, he walked away.

Q Will you tell the Trial Examiner how this conversation with Mr. Hauck came about?

A How it came about?

Q Yes.

A It had to do with the way something was going and it wouldn't be like this if we had a union in here. There was a lot of -- what's the correct word? -- you know, distrust between two people, a group of people. What's the word?

Q Regardless of the word, Mr. Puterio, do you remember the circumstances under which you said this to Mr. Hauck?

TRIAL EXAMINER: Was there a difference of opinion or dissension?

THE WITNESS: That's the word I was trying to think of. I'm sorry. Yes, there was dissension and that's why I made the statement that things wouldn't be like this if everything was aboveboard and everybody understood what they were doing and why they were doing it. There would be more teamwork, and that's when I said this. The union would do good for the place.

Q (By Mr. Leiner) Do you remember when this conversation was?

A This was -- gee, it was in the warm weather.

Q Approximately when was it?

A I'd say around April or May. Something like that.

Q What year?

A '64.

Q Did you ever speak to any other lead man or supervisor with regard to the union?

A Just Roland Bacchus.

Q Who is Roland Bacchus?

A He is supervisor lead man.

Q What department?

A Inspection department.

Q You say he is a lead man. What does he do?
A He hands out the jobs, tells you what to do, tells us what work to do, what jobs to do first, et cetera.
Q Does he do anything else?
A He made, I'd say, more decisions in reference to a job like say what about this dimension, it is a little on the shady side. He would say, well, it's okay. He would say it doesn't mean anything, or something like that. Minor decisions I would call them.
Q When were you terminated, Mr. Puterio?
A June 29th, 1964.
TRIAL EXAMINER: What about Bacchus, what did he say?
THE WITNESS: Well, he was one of these fellows and you could never do anything right to please him and he would say if we ate a piece of candy on the job, he would be one of these guys that come and say, "You are always eating candy, you are always doing something or other." Things to annoy you. You know what I mean. He k ept badgering his people.
Q Did you have discussions with him with regard to the union?
A Yes.
Q Would you tell the Trial Examiner what these discussions were and when they were?
A Well, I told him that I -- almost about the same thing

I told Mr. Hauck. I always said we needed a union in there.

Q What did he say to you?

A He didn't say anything -- wait; let's see; he just didn't like unions - period. He was against unions - period.

Q What did he say?

A He said unions don't do any good for anybody. He said something in reference to a guy who is lazy or something needs a union. Another guy doesn't need a union. Inferring in that direction.

Q You say you were terminated on the 29th of June. Did you go up to the personnel department to be terminated?

A No, I didn't.

Q Will you tell the Trial Examiner how you came to be terminated?

A I was over in another building working on a special job and Mr. Roland Bacchus came over and said they wanted to see me in the office. I said, "What office?" He says, "In the inspection area," and I went over to the inspection area and there was Mr. Hauck there and they took me in the back room, they call it the back room. There is a side room on the side there and there was two personnel men in there. Mr. Tom Barnes and Mr. Robinnette. And they had my termination papers and they told me that I was getting laid off for lack of work.

Q What did you say to them? Did you say anything to

them when you were terminated?

A I didn't make any remarks.

Q About how many mechanical inspectors did the company employ to your knowledge as of about that time of June 29, 1964, in total?

A In total? Oh, I would say about 18, 20, as far as I can remember, like that.

Q Do you remember the name or names of any persons who were performing the work of mechanical inspectors who were hired at or about the time that you were terminated?

A Yes.

Q Would you name them, please?

A The most recent one was Mr. Frank Stephenelli.

Q When was he hired, do you have any recollection?

A About two to four weeks before I got laid off.

Q Anybody else? The names of any other recently hired mechanical inspectors?

A Yes. Mr. Sal Taruso. Carl Boeckh. There's a few more. I don't recall their names.

Q Mr. Puterio —

MR. LEINER: Would you mark this as General Counsel's 33 and 34 for identification?

(Thereupon the documents referred to were marked General Counsel's Exhibits Nos. 33 and 34 for identification.)

Q (By Mr. Leiner) Mr. Puterio, I show you General Counsel's 33 and 34 for identification and I ask you did you ever see these before?

A Yes. These were given -- they were left on the seats when we were called to meetings. We had two meetings at the company.

Q When were these meetings? What month?

A In June.

Q What year?

A '64, last year.

Q Do you remember when in June it was?

A It was on a Thursday and Friday, I think. The beginning of the month, 11th and 12th; something like that.

Q When did you first see these?

A They were on the seats when we walked into the Building 7, they had called this meeting.

Q What is Building 7?

A At that time it was the main building where they assembled the helicopters.

Q When you were called in there were they assembling helicopters at that time?

A No, it was all cleared and there was all seats, these folding chairs.

Q Could you judge how many people were there at the start of themeeting or during the meeting?

A The first meeting the whole plant was there.
Q About how many people were there?
A About 800 people, I guess.
Q How did you find out that there was a meeting?
A The supervisors told us while we were working.
Q When? How long before the meeting?
A Oh, an hour or so.
Q Who told you?
A It must have been our lead man came around and told us. That's the way they usually did things. The lead man came and told his group.
Q Who was your lead man?
A Roland Bacchus.
Q So you went up to Building 7 and there were about 800 employes there?
A That's right.
Q And you found General Counsel's 33 and 34 on the seats?
A Right.
Q What happened then?
A Mr. Papadakos gave us a speech.
Q Did the speech refer in any way to General Counsel's 33 and 34 for identification?
A Yes.
Q What did he say?
A Well, first of all, he told us that we were going to

get a dollar raise -- the company was going to pay the insurance, the balance of the insurance that we were paying, which was $1 a week. The company would assume this other dollar. We didn't have to pay anything.

Q What else did he say?

A He said that we had work until '65 or '66 and he mentioned something about he didn't want to have a wall between him and his employes.

MR. LEINER: I offer 33 and 34 in evidence, Mr. Examiner.

Q (By Mr. Leiner) What did he say -- I will withdraw the offer at this time. What did he say about 33 and 34, Mr. Puterio? What did Mr. Papadakos say? If you recall.

A I'm trying to recall. Oh, yeah. This is a breakdown of where all the money went that the company was making.

Q Did Mr. Papadakos describe where the money had gone?

A Yeah. He -- just the way it's written down on here. He broke it down in the same way. This is where all the money went.

MR. LEINER: I offer them in evidence.

MR. CURLEY: May I have a question, Mr. Trial Examiner?

TRIAL EXAMINER: Pardon?

MR. CURLEY: May I ask the witness a couple questions on voir dire?

TRIAL EXAMINER: Yes.

Q (By Mr. Curley) I show you General Counsel's 33 for

overtime if you continued to stay there that afternoon?

A Mr. Papadakos.

Q Did you return the next day for another meeting?

A Yes.

Q Who told you to go to the other meeting?

A My lead man. Mr. Roland Bacchus.

Q When did you first learn that there was going to be another meeting?

A That day. That afternoon.

Q In other words, the afternoon of the second meeting?

A Yes.

Q Did you go to the second meeting?

A Yes.

Q How many people were there?

A A couple of hundred, about 250, 200, 250; I don't remember exactly.

Q Did you recognize any particular classifications of employes that were there?

A Production employes.

Q Did Mr. Papadakos make a speech at that time?

A Yes.

Q Have you already told us what he said or did he make further statements?

A I don't recall of any new -- I don't recall whether he said what I said before at the first or the second

meeting or a combination of both.

Q You don't recall?

A No.

Q How many employes were there at the second meeting?

TRIAL EXAMINER: 200 production employes.

A 200 to 250.

MR. LEINER: I have no further questions, Mr. Examiner.

MR. RUBENSTEIN: I have one question.

Q (By Mr. Rubenstein) The first meeting was held about what time in the day?

A In the afternoon.

Q About what time?

After working hours or before?

A Oh, no; during working hours.

Q Were you paid for that time?

A Oh, yes.

Q What day was it of the month, if you remember?

A On a Thursday and Friday, the meetings.

Q Do you remember the date?

A I think the 11th and 12th or the 12th and 13th.

Q Of what?

A June.

MR. RUBENSTEIN: That is all.

CROSS EXAMINATION

Q (By Mr. Curley) Mr. Puterio, did you sign an affidavit

A I believe about the insurance and that part where he said about a wall between him and his employes. He didn't want to have a wall between him and his employes. Whether that was the first meeting or the second meeting, this is what I recall of the two meetings, what I am saying.

Q How long did the meeting on the second day last?

A I'd say about two hours.

Q So that in all you estimate that Mr. Papadakos spoke for four hours' total elapsed time at both meetings?

A Not that specific, but it was approximately around four, five hours.

Q Do you remember anything specifically that was said at the meeting on the second day?

A Let's see. Other than we had a lot of work -- oh, and something about he would like to give bonuses out and something to that effect. Now I recall that much.

Q On the second day?

A Whether it was just the second day or not, I don't know. This is --

Q So you are confused in your own mind about what was said on each day?

A I know what was said but which day I can't pin it down to which particular day.

Q At your termination interview Mr. Hauck was there?

REDIRECT EXAMINATION

Q (By Mr. Rubenstein) Mr. Puterio, besides those two meetings that you testified to at which Papadakos spoke on or about June 11th and 12th, do you remember any other meetings of the shop employes where Papadakos spoke?

A Not while I was there, no.

Q You mentioned something about a wall that he referred to. Did you know what he was referring to, what he meant by the "wall"?

A Yes, I believe I know.

Q What do you think he meant by that?

MR. CURLEY: I object to that, Mr. Trial Examiner.

TRIAL EXAMINER: Overruled.

A Can I answer?

TRIAL EXAMINER: Yes.

A It had to do with the union.

TRIAL EXAMINER: In what way?

THE WITNESS: Well, we were trying to -- there was quite a few fellows that were in favor of having the union come in there, and when he made the statement about this wall between, to me it was a direct inference to the union coming into the plant. He didn't want it.

Q (By Mr. Rubenstein) He said,as I understand, a wall between him and the employes?

A And the employes.

MR. RUBENSTEIN: That is all.

RECROSS EXAMINATION

Q (By Mr. Curley) The remarks you just made were your own personal conclusions from what Mr. Papadakos said, is that correct?

A Yes.

MR. CURLEY: I have no more questions.

MR. LEINER: May I have the statement back, Mr. Examiner?

TRIAL EXAMINER: You are excused. Thank you.

MR. CURLEY: Let the record show I hand the statement back to Mr. Leiner.

(Witness excused)

MR. LEINER: I would like to call another witness, Mr. Examiner.

TRIAL EXAMINER: Yes.

MR. LEINER: This will be a similar name, Mr. Examiner. I believe it is Pacilio.

EDWARD PACILIO

a witness called by and on behalf of the General Counsel, being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your name for the record, please?

A Edward Pacilio.

Q When were you first -- where do you reside, Mr. Pacilio?

A 6 Sane Court, Brentwood.

Q When were you first employed by the Gyrodyne Company?

A September of '63.

Q What was your job when you were employed there?

A As a utility maintenance man.

Q What was your job when you were terminated?

A Same thing.

Q When were you terminated?

A In June of '63 -- '64.

MR. LEINER: Would you mark this as General Counsel's Exhibit 35 for identification, please?

(Thereupon the document referred to was marked General Counsel's Exhibit No.35 for identification.)

Q (By Mr. Leiner) I show you General Counsel's Exhibit 35 for identification and I ask you, have you ever seen it before?

A Yes.

Q If so, would you identify it for the Trial Examiner?

A It's a UAW card that I signed sometime in October.

Q Of what year?

A '63.

TRIAL EXAMINER: Is it dated?

MR. LEINER: Yes, it is, sir. 10-10-63.

I offer it in evidence.

MR. CURLEY: Same objection, Mr. Trial Examiner.

TRIAL EXAMINER: It will be marked General Counsel's Exhibit 35 in evidence over objection.

(General Counsel's Exhibit No.35 for identification was received in evidence.)

Q (By Mr. Leiner) About how many employes were there in the maintenance department in or about the spring of 1964, Mr. Pacilio?

A I would say around between 13, 15 people.

TRIAL EXAMINER: How many?

THE WITNESS: 13 to 15.

Q (By Mr. Leiner) What does the maintenance department do, Mr. Pacilio?

A Well, they move equipment around the plant and set up any partitions or tear any down. Do any ceiling work, floor work, whatever-- any maintenance job that's required.

Q Do you know the name Ed Rozinsky?

A Yes.

Q Who is Ed Rozinsky?

A The supervisor of maintenance.

Q What did he do in the maintenance department?

A He assigned work. Either directly to us or through his subordinates.

Q Who were his subordinates?

A His subordinates were Barney Williams and Joe Sikowsky.

Q Who were they?

A Lead men in the maintenance department.
Q Did there come a time, Mr. Pacilio, that you had a conversation with any supervisor or lead man with regard to a union card?
A Well, we did have a discussion once.
Q Who was that with?
A With Ed Rozinsky.
Q When was this?
A This was a few months prior to my termination.
Q Where did it occur?
A In Building 7, the hangar.
Q What part of Building 7?
A By the big doors there.
Q What were you doing by the big doors there?
A We were removing file cabinets and related equipment to be moved to another building.
Q Who was there?
A Well, there was myself, a fewother maintenance men and Mr. Rozinsky.
Q Do you remember who the other maintenance men were?
A I think one was Roy Messina. The other ones I don't recall.
Q What were you doing there at that time?
A We were loading cabinets onto a truck for removal to another building.

Q Was Mr. Rozinsky there?
A Yes.
Q Did you have a conversation with him? Yes or no.
A Yes.
Q Would you tell the Trial Examiner what the conversation was?
A Well, Mr. Rozinsky picked up a UAW card that was laying on the floor and asked me to send it in to be filled out. So I says I had already done that. And with that he laughed about it and threw it into the wastebasket.
Q Did you ever get a raise, Mr. Pacilio?
A Yes, I did.
Q Who did you ask for about the raise?
A Mr. Rozinsky.
Q When was this?
A It wasn't too long before my termination.
Q About how long?
A A few months.
Q What did you say to Mr. Rozinsky?
A I asked him about -- if I was going to get any raise and he says he had put me in for 10 cents. And when the raises came out I was given 5 cents.
Q Did you speak to Mr. Rozinsky about this?
A I did.
Q Tell the Trial Examiner what the conversation was and

where it was.

A This was during lunch period in our work shop where we usually had lunch and he informed myself and all the other men that we were given a raise. He called up each one individually and told him how much. And he called me up, naturally, and told me I got a nickle.

Q Are you telling me the raises were given out to the whole department?

A Yes. He called up each man individually and told them what they were getting and he called me up and he told me I got a nickle. And he asked me if I was satisfied. I says"Well, would it make any difference if I wasn't?"

He says, "No."

I says, "Well, that's it." What was I going to say?

Q Thereafter were you terminated?

A Yes, I was.

Q About how long after this discussion with Mr. Rozinsky or how long after the raise were you terminated, do you know?

A Well, I would say within a few months.

Q Would you tell the Trial Examiner how you came to be terminated?

A Well, I was on my way back to work in the afternoon approximately 2.30, and Mr. Rozinsky got ahold of me and says to come with him, and if I had any tools or any other belongings, to pick them up, and I wanted to know

what the deal was. He said, "You are being terminated."

And with this he had someone at the shop pick up my tool box, bring it to the booth and he escorted me to personnel where I encountered Mr. Falconette--

Q Mr. who?

A No. Mr. Robinnette. I am thinking of some ship or something.

Q Mr. Robinnette and anybody else?

A Well, there was the -- my supervisor, Mr. Rozinsky, and there was the security man there.

Q What happened up there?

A And he -- well, he sat me down and he told me -- handed me a check and told me what it was for and that I was being terminated.

I asked him for what reason.

He says I was considered unsatisfactory, and I asked by whom, who made the complaint.

He says he didn't know.

Well, I says, "This is a heck of a way to treat people, just pick them up like a dog and set them out," but that's it. They just escorted me out and that was the end of it.

Q Did Mr. Rozinsky ever tell you that you weren't doing a good job?

A No, sir.

Q Did any supervisor in the company ever tell you that you were not doing a good job?

A Not directly to me, no, sir.

Q Well, indirectly?

A Indirectly or otherwise, I never hard any complaints about my work.

Q In your recollection had there ever been a raise given to the whole department before when you were employed by the company?

A I imagine some of them did.

It may have happened prior to my time when I started.

Q I mean during the time that you were employed, was there a departmentwise raise given?

A I don't believe so.

MR. LEINER: No further questions.

MR. RUBENSTEIN: No questions.

CROSS EXAMINATION

Q (By Mr. Curley) Mr. Pacilio, did you sign an affidavit or affidavits for the Labor Board?

A With the what?

Q Sign an affidavit or a statement for the National Labor Relations Board?

A Yes, I did.

MR. CURLEY: May I have the statement, please?

MR. LEINER: The General Counsel now hands to counsel

still in Building 7, do you, what department or what personnel?

A I don't recall just who they were, no.

Q At any rate, that episode with the UAW card occurred about three, four months before you were discharged?

A That's right.

Q But sometime after you signed the card?

A Oh, yes.

Q Did you get the impression Mr. Rozinsky was joking with you when he picked up the card?

MR. LEINER: I object to the answer, Mr. Examiner.

TRIAL EXAMINER: No.

A I suppose it was said in jest, but--

Q It was said. Did you have a laugh about it?

A Yes, we did.

Q Was Mr. Rozinsky helping you move the desks and file cabinets?

A No. He just supervised.

Q Was Mr. Williams and Sikowsky there?

A No, sir.

Q Are they lead men?

A Right.

Q When you complained to Mr. Rozinsky about the 5-cent raise, what was his exact words to you?

A Well, actually I didn't complain. He mentioned that

I am not offering that and I seriously object to making it my offer in evidence. I offered one statement. I didn't offer the second one. Anyone can offer it, but not I.

TRIAL EXAMINER: Do you want it as a General Counsel's exhibit?

MR. RUBENSTEIN: I don't want it. I think it is improper, the second statement.

TRIAL EXAMINER: What's the next respondent's exhibit? Mark it Respondent's 12.

(Thereupon the document referred to was marked Respondent's Exhibit No. 12 in evidence.)

TRIAL EXAMINER: The witness testified fully, frankly and completely on the facts set forth in each one of thosetwo affidavits. You are simply cluttering up the record and it is a waste of time and it will be a nuisance to go into them. Why counsel seems to be recalcitrant and engages in these activities, I will never know.

You are excused.

(Witness excused)

MR. RUBENSTEIN: Mr. Examiner, it would be redundant to except to your statements--

TRIAL EXAMINER: You except all you want to.

ROBERT L. MARTINEZ

a witness called by and on behalf of the General Counsel,

being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your name for the record, sir?

A Robert L. Martinez.

Q Mr. Martinez, where do you reside?

A - I now reside at 16 West Jericho Turnpike, Huntington Station.

Q Is that in Long Island?

A That is in Long Island.

Q Mr. Martinez, when were you first employed by the company?

A I was first employed in September, 1964,--'63, excuse me.

Q What were you hired as?

A I was hired as an electronic technician or, as they called it, an inspector.

Q Did they also call it avionics inspector?

AYes, they did.

Q After you -- what was your starting rate of pay with the company?

A The starting rate was $3 per hour.

Q Did you ever receive a raise?

A Yes, I did.

Q When was that?

A Just about three months after my probationary period

was over, I received a dime increase.

Q Did you receive any other raises after that?

A No, I did not.

Q Did you ever sign a union card, Mr. Martinez?

A Yes, I did.

Q About when did you sign it, do you recall?

A About eight days after I first became employed.

Q Did you ever attend any union meetings?

A Yes, I did.

Q About how many?

A About three.

Q When was the last meeting that you attended, do you recall?

A The last meeting was on June 24th in St. James.

Q And you were terminated on the 29th of June, is that right?

A That's correct, yes.

Q Do you recall having -- I will withdraw that.

How many avionics inspectors worked in your area, Mr. Martinez?

A I would estimate in the vicinity of 20 to 25.

Q Where was this area?

A This area was, I believe, located in what is now called Building 7, and it was also previously located in a large steel shed. I'm not sure of the number, numeral

designation of it.

Q Do you believe you could tell the Trial Examiner within a short time what the work of avionics inspectors was and what you did?

A Yes.

Q Would you tell it to the Trial Examiner?

A My work and the work of my fellows was the electronic evaluation of various systems and components that had to deal with the electronic operations of the Gyrodyne Drone. There was some troubleshooting involved.

Q Would you tell the Trial Examiner whether there was a supervisor in the department?

A Yes, there were several supervisors.

Q Who was the topmost supervisor in the avionics inspection department in which you were?

A Al Beltran.

Q Who was above Mr.Beltran?

A Mr. Sullivan. Mr. Jim Sullivan.

Q Do you happen to know what title Mr. Sullivan had?

A I'm not sure of his company title. He was more or less the foreman of technicians, of avionics inspection.

Q You mentioned another name, Beltran.

A Al Beltran was directly under Mr. Sullivan.

Q What was his title?

A He was a lead man.

Q Were there any other lead men in the department?

A Yes. I was also associated with Mr. Cook, Donald Cook, who was immediately under Mr. Al Beltran.

Q Would you tell the Trial Examiner what Mr. Beltran did in the shop?

A Mr. Beltran's duties as far as I saw were assigning various electronic duties to the men in my department, and as I saw it, he assigned these duties considering the qualifications of the men in the shop. Simpler duties usually went to men with lesser qualifications and background and the harder duties went to fellows with more experience and better background.

Q Did you ever have a conversation with Mr. Sullivan with regard to Mr. Beltran and his authority in the shop?

A Yes, I did.

Q Would you tell the Trial Examiner when this occurred and what the conversation was?

A This occurred just about in May. I can't give you the exact date. At that time I was trying to look up some information in a large file drawer we had. Mr. Cook was standing right there also. I would have to include that.

I asked Al Beltran if he would help me look up a certain folder which had electronic information in it. Al was busy at the moment and he referred me to Mr. Cook.

At that time Mr. Cook made the statement that, "Well,

I can't help you right now. You seem to have an awful lot of trouble finding this information," and the next thing I knew I was called up into the office by Mr. Sullivan, who then said to me more or less the same thing, that "you seem to have a lot of trouble finding catalogs and such." "The other fellows seem to be able to do this by themselves. I don't want you to give Mr. Cook a hard time as he represents me down in the shop."

And I answered back, "I am trying to do my job, but I was having trouble locating a catalog or folder and all I wanted was to be told just about where it might have been," whether it was mislaid or not.

Q Do you know if Mr. Beltran or Mr. Cook keep any records with regard to the employes?

A I have heard of this but I don't know directly, no.

Q Do you recall anything else that Mr. Beltran or Mr. Cook do in the shop with regard to the employes in the avionics department?

A Yes, this was known to me. I can make a definite statement on this.

They were more or less in the supervisory capacity in that they reported any problems they had or what they considered wrongdoings or more or less they kept a close watch on the employes.

Q Wrongdoings of whom?

A Of the employes. What they considered to be wrong-doings.

Q Who would they report to?

A To Mr. Sullivan.

By wrongdoings I mean excessive talking during working hours, et cetera.

Q As a matter of fact -- withdrawn.

Did you ever have a conversation with Mr. Beltran, or considerations with Mr. Beltran regarding the union?

A Yes, sir, I did.

Q When was the first such conversation that you recall?

A The first conversation was, oh, roughly back in February.

Q Of what year?

A This was 1964.

Q What was this conversation? Will you tell it to the Trial Examiner, please?

MR. CURLEY: Excuse me. Inasmuch as both Cook and Beltran have been mentioned, would he indicate which one he is now talking about?

Q (By Mr. Leiner) Yes. Will you do that, Mr. Martinez?

A This conversation -- if you want to call it a conversation, I will let you judge this -- took place in February with both Mr. Beltran and Mr. Cook.

At that time the coffee break was just getting over with

and I was standing around talking to some employes about the union.

At that time Beltran and Cook had come up more or less behind me. I hadn't seen them. And they told me I better get back to work.

That was the one instance.

Q What was the next instance that you recall?

A This was about in May, I would say. Mr. Beltran came to me and said, "I know you are interested in the union" and engaged me in conversation concerning the union.

I offered my opinion that a union worker gets higher wages, and Mr. Beltran made the statement, "Well, this is debatable."

He made several further statement there, saying that he would more or less consider a union coming into the shop as a great tragedy in that he would sooner quit Gyrodyne than see a union come in.

Q Do you recall any conversations with Mr. Cook regarding the union or union activities?

A Yes.

Q Would you tell the Trial Examiner when and where that occurred and what the conversation was?

A This occurred, the first one occurred right after the first meeting which was -- let me think now -- just about May. It was a meeting of lead men. Mr. Cook had come

downstairs from the meeting and I had been there, and I asked him, "Al, what was the meeting all about?"

At that time he made a joking remark, "You are all fired."

I said, "What do you mean?" He was in a sort of jovial mood. He said, "Mr. Papadakos is very concerned about the union coming in here,"and we started talking more or less about union activities.

That conversation didn't last too long though. Mr. Cook was very concerned also about the union coming in.

Q Did you ever discuss the union in the presence of Mr. Sullivan?

A Yes, I did. Unknowingly to me.

Q Will you tell the Trial Examiner about that occurrence, when that occurred and where it occurred?

A This occurred after the occurrence that I previously mentioned with Al Beltran and Cook, in which I was again speaking to employes. Again I believe it was just as the coffee break was getting over with. I was speaking about the union and I made the statement, the only thing-- "There is nothing wrong with this company that a good union couldn't fix."

And Mr. Sullivan was standing about five feet away from me. I didn't see him. And he gave me a very nasty look and said, "Get back to work."

Q Mr. Martinez, at the time -- withdrawn.

Mr. Martinez, you were terminated on the 29th of June, is that right?

A That's correct.

Q Tell the Trial Examiner what occurred at the termination.

A Well, at about 3.30, 345, Mr. Sullivan came over to me and told me he would like to see me upstairs.

At that time I went upstairs and incidentally I knew more or less what was going on because the fellows had just been terminated a few moments before. I went upstairs and I saw Mr. Sylvester.

Q Who is Mr. Sylvester?

A I recognized the gentleman from the personnel department. He is one of the executives there.

Q Anybody else there?

A Yes, there were several other gentlemen there.

Q Who else was there?

A I believe Mr. Hollowedel was there. I don't know the name of the other gentleman.

Q What transpired there, would you tell the Trial Examiner?

A At that time they told us that we were being laid off in a general plantwide lay-off.

I made the statement that I don't understand why this is happening. I thought, as Mr. Papadakos indicated, there was enough work for at least two years.

Mr. Sylvester then made the statement to me that "Don't ask me, I just hand out the checks," and I again made the statement, "This is a very strange way for a company to act." I was pretty confused about the whole situation.

Q Mr. Martinez, did you attend any meetings of employes addressed by Mr. Papadakos?

A Yes, I did. I attended two meetings on June 11th and June 12th, 1964.

Q When were these meetings during the day?

A They were about -- my time reference here is not terribly accurate. About from 2 o'clock in the afternoon until quitting time. They may have been from 1 o'clock. They may have been from 3 o'clock.

Q Were both meetings held of equal duration?

A Yes, just about.

Q What time, for instance, did the second one start, do you recall?

A The second meeting to the best of my recollection started just about after lunchtime, which would place it roughly, again, about 1.30. And lasted until quitting time.

Q Which is about what?

A Which is about 4.30, as I remember.

Q Who addressed those meetings?

A Mr. Papadakos, the president of the company, addressed the meetings.

Q When you arrived at the first meeting, did you notice where it was held?

A Yes. It was held on the production floor where the Drone helicopters are assembled.

Q Would you tell the Trial Examiner who told you about the occurrence of that first meeting?

A Well, everybody was told that there was going to be a meeting. We were required to attend.

Q Who told you?

A It was either Mr. Beltran or Al Cook. I think I am very sure now that it was Mr. Cook.

Q How much prior notice of the occurrence of the meeting did you have?

A I had about two minutes, three minutes.

Q You went up -- you went into the meeting room?

A That's correct.

Q How many people were there?

A It seemed like in the vicinity of 300 people.

Q And Mr. Papadakos spoke?

A Yes, he did.

Q Do you remember what he said?

A Yes. Mr. Papadakos spoke of his early life, which was very interesting. And he told about the early struggles and trials and tribulations of the Gyrodyne on its way up. And as I remember, he made statements concerning -- I am

probably going into the second meeting now.

Q Let's just take the first meeting for a minute.

A He made statements concerning the progress or the possible progress and rosy outlook of Gyrodyne in the future.

Q When you say "rosy outlook," did he give any examples?

A Mr. Papadakos indicated -- this is very strongly fixed in my mind, that there was enough work for at least two years.

Q Do you recall anything else he said at that first meeting?

A Yes. He made another statement which was encouraging to me anyway. He said in your dealings with companies and life situations in general you should never be afraid. Do your best. If you ever have any problems, never be afraid to talk them over with your supervisors, et cetera.

This was the general text of what he said. I am not quoting him verbatim.

Q I take it, then, that the meeting came to an end?

A Yes. There was another meeting the following day.

Q I ask you, Mr. Martinez, to identify if you can General Counsel's 33 and 34 for identification.

A Yes. These two papers were on all the seats of the meeting.

Q Was that at the first meeting or at the second meeting

or both, do you know?

A I would say it was the first meeting, to the best of my recollection.

MR. LEINER: I offer them in evidence, Mr. Examiner.

MR. CURLEY: Mr. Martinez, you are absolutely certain both papers were on the chairs on the first day?

THE WITNESS: I wouldn't want to say I was absolutely certain that both were. To the best of my recollection I believe both were. It may have been just one.

MR. CURLEY: You are not certain?

THE WITNESS: No. I remember that paper, though. They were stapled together. I am pretty certain there were two because I think they were stapled together. I remember opening the staple.

MR. LEINER: I offer them in evidence.

MR. CURLEY: I must object to them on the grounds the witness hasn't sufficiently identified them.

TRIAL EXAMINER: Well, we have two witnesses who identified them. I think that's sufficient. I will receive the exhibits in evidence. General Counsel's 33 and 34 are received in evidence over objection of counsel for respondent.

(General Counsel's Exhibits Nos. 34 and 35 for identification were received in evidence.)

TRIAL EXAMINER: Had chairs or benches or seating

facilities been furnished especially for these two meetings?

THE WITNESS: Yes, they had.

TRIAL EXAMINER: In other words, the hangar usually doesn't have seating accommodations for the number of people you have described?

THE WITNESS: No, it does not.

TRIAL EXAMINER: So they were only set up for a large meeting?

THE WITNESS: They were set up for something, I knew that. Something was going on.

TRIAL EXAMINER: For an audience to be accommodated?

THE WITNESS: Yes.

TRIAL EXAMINER: At either of these two meetings at which Mr. Papadakos spoke, did he say anything which would indicate that he was guaranteeing jobs for all employes for a period of approximately two years?

Do you remember the words he used? You and the previous witness have said that Mr. Papadakos mentioned that the company had work for about two years. Do you remember what he said in that respect, as nearly as you can?

THE WITNESS: As nearly as I can, he pointed out the fact that the -- said the work load of the company had been increasing, the profits have been increasing and currently there was work for at least two years.

I believe at this time he also mentioned he was going

to pay the extra dollar on the insurance that we had. We were paying our health insurance or something.

This didn't make too much of an impression on me because I was more interested in the security the plant had to offer. That's why that statement stood in my mind.

TRIAL EXAMINER: Was there anything Mr. Papadakos said that indicated to you or made you believe that he was guaranteeing jobs in all departments of the plant for a period of two years?

THE WITNESS: I can't honestly say I remember him using the word "guarantee."

TRIAL EXAMINER: When Mr. Papadakos mentioned sufficiency of the work for about two years, at what point was it in his talk? Where did he start and what had he talked about before he reached that point in his speech?

THE WITNESS: He had spoken about his early life. Therefore, I would say with some certainty that he was very much towards the end of his speech when he made that statement.

TRIAL EXAMINER: Beginning at the beginning of his speech up to the time he referred to the work, the sufficiency of the work, in that interim did you hear him say anything about his dislike of a wall being built or being between him and his employes?

THE WITNESS: I don't recall that statement. It may

have been; it may not have been.

TRIAL EXAMINER: Did you attend both of these meetings?

THE WITNESS: Yes, I did.

TRIAL EXAMINER: Do you recall at either of these meetings that Mr. Papadakos said anything that had a direct bearing on union activities or organization efforts?

THE WITNESS: This is one thing I can answer with absolute certainty. I was surprised that he said absolutely nothing in my mind using the word "union." The word "union" was not used at all. I was listening for any reference to any type of union and I heard nothing.

TRIAL EXAMINER: Thank you, sir.

Q (By Mr. Leiner) At the time that you were terminated, Mr. Martinez, do you know how many avionics electronics technicians remained in the employ of the company? Do you have any idea?

A I would say indicating that there are about 20 to 25, let me say 25 originally. I would say at least 19 remained to that date. And this, again, is only an estimate. And the way I am arriving at that estimate is that at least three other fellows besides me were laid off at that same time, half an hour before I believe another four were laid off, which would make it minus eight approximately.

MR. LEINER: I have no further questions, Mr. Examiner.

MR. RUBENSTEIN: May I ask a question?

TRIAL EXAMINER: Yes.

Q (By Mr. Rubenstein) Mr. Martinez, you related here several conversations or at least two conversations you had, I think, with Mr. Cook when he jokingly was referring to "you are all fired." Do you remember your testimony?

A Yes.

Q Was there any talk at that time or any other time about possible lay-offs by the company?

A Yes, there was.

Q Can you tell us when and what conversation?

A During both conversations when Mr. Cook made a statement to me, jokingly that "you are all fired," we spoke again about the union coming in and Mr. Cook made the statement basically that Mr. Papadakos was very set about the union and before he got enough card signers,"before there were enough card signers for a union to come in, I wouldn't be at all surprised if there were major lay-offs."

Q That's what Cook said?

A That is correct.

MR. RUBENSTEIN: That is all.

CROSS EXAMINATION

Q (By Mr. Curley) Mr. Martinez, did you sign an affidavit or affidavits for the National Labor Relations Board?

A I did, sir.

A Speaking in technical terms and such; I don't remember the exact conversations.

Q Technical terms in regard to your work in the electronics inspection department, is that correct?

A That's correct.

Q And eventually, at the time you uttered the words "What this company needs is a good union," you turned around and there were Mr. Cook and Mr. Beltran?

A No, that's not the way it happened. I turned around and they said, "Martinez, you better get back to work."

Q But that was the only sentence you uttered in regard to unions at that time?

A Sentence or sentences. As I say, I don't remember the exact text of, verbatim, of how many sentences I uttered about the union.

Q It could have been only one, is that correct?

A It could have been, if you want to suppose.

Q And at that time was your coffee break on or off?

A The coffee break was just ending.

Q What time was coffee break?

A I don't recall the time of the coffee breaks now. It's too long ago.

Q How many minutes were you allotted for coffee breaks?

A As I remember, about ten minutes.

Q Did you ever have a conversation with Mr. Sullivan

with regard to a union?

A Yes, I did.

Q Would you tell us when that was?

A Certainly. After the speech by Mr. Papadakos, this was about two days afterwards, I would say, or three days on a Monday, to the best of my recollection. Mr. Sullivan and Mr. Al Beltran came down and they were asking the employes if they had any grievances or, as they said, any gripes. They came to me and asked me if I had any grievances and I said, speaking directly to Al -- Mr. Sullivan was right next to Al -- I said, "Well, the only thing that's wrong with the company really is that we need a union. There is nothing wrong with the company that a good union couldn't fix."

Q And you were the first one to mention union at that time, is that correct?

A I don't know if I was the first or not. I don't know how many other people he had seen.

Q In that conversation in which the three of you were present, that was the first time the word "union" was mentioned; it came from your lips?

A To Mr. Sullivan.

Q And neither of them had mentioned the word "union" prior to the time you used the word?

A In that conversation, no.

Q What was the reply that was made to you?
A There was no reply. More a facial expression, and they walked off shrugging their shoulders.
Q You testified in May of 1964 that you had a conversation with Mr. Beltran in regard to a union.
A That's correct.
Q Will you tell us what time of day that took place?
A I don't remember the time of day, sir.
Q Can you tell me the location?
A The location was in the avionics department.
Q Whereabouts in the avionics department?
A I wouldn't know how to tell you whereabouts, if I did remember the exact location. There is no special areas. Yes, I do. It was near the stairway, come to think of it.
Q And when you were employed at Gyrodyne in October '63, was the avionics inspection department located in the same physical location as it was when you left on June 29th?
A It was not.
Q When did it move?
A It moved in the, I believe in March of '65. I am not sure of the exact month we moved.
Q March of 1964 you mean?
A '64 -- excuse me. It was in the wintertime. I remember that.

my presence anyway, is Mr. Cook.

Q And his joke consisted of remarks like "You're all going to be fired." That was said in a joking vein?

A It was said in a joking vein.

Q And you recognized it to be said in a joking vein?

A I recognized it as such, yes.

Q You recognized that to be the case on both occasions you say it was said, is that correct?

A That's correct.

Q And you attached no -- withdraw the question.

You also testified, Mr. Martinez, that you submitted a paper which is marked here -- which is in evidence as General Counsel's Exhibit 37.

A That is correct.

Q And that's a rather long paper containing a suggestion for improvement in company procedures?

A Yes. A moderate paper. It isn't terribly long as those papers go. I would say it was brief, as a matter of fact, as those papers go.

Q Are you a college graduate, sir?

A No, I'm not.

Q Have you taken courses in engineering?

A Yes, I have.

Q At the college level?

A At the college level, yes.

we have had it up to our ears. If these people aren't supervisors, then they are nothing.

TRIAL EXAMINER: I don't know why you are complaining. I really don't.

MR. LEINER: One of our witnesses left, it's so late.

Q (By Mr. Curley) Mr. Martinez, isn't it a fact that an oscilloscope was repaired or tested in the instrument calibration department?

A Usually. However, the fellows there ran into problems which they couldn't handle at times and I have a very thorough background from Sperry Gyroscope exclusively for three years of being a master instrument repair man. And at which times I was sometimes called to repair an instrument that they couldn't handle, as a matter of fact.

Q Did Cook and Beltran wear the same clothing when they reported to work as you did?

A They wore trousers, they wore shirts, they wore shoes. Of course, they wore the same clothing.

Q Exactly the same clothing you wore?

A Exactly, of course not. They usually wore a shirt and tie, as I remember. I usually wore at that time a pair of slacks and a sport shirt, which was the usual garb for a technician.

MR. CURLEY: I have no other questions.

REDIRECT EXAMINATION

because they are afraid the union is going to get card signers." Because they were afraid that the union would get the necessary number of card signers to petition for an NLRB election.

MR. RUBENSTEIN: That's all.

MR. CURLEY: I have one question.

RECROSS EXAMINATION

Q (By Mr. Curley) Prior to June 29th, Mr. Martinez, isn't it a fact that work was very slow in AID?

A No, it is not a fact. Work was heavy. To my knowledge it was heavy. I was kept very, very busy.

Q Aside from yourself.

A No. As far as I saw, all the fellows were darn busy. Work was pretty hot.

Q Weren't you always interested in your own work and you didn't have time to notice anything else in the department?

A No. At coffee breaks, although I was interested in my own work and at lunch time I discussed the various jobs with fellows in the shop.

Q You didn't observe them working, is that correct?

A I saw them when I had to go to the men's room or passing down the aisles.

Q Isn't it a fact that you knew very well that in June, throughout June and even before, there was very little

work for anybody to do in that department?

A No, it is not a fact.

MR. CURLEY: I have no more questions.

MR. LEINER: No questions.

TRIAL EXAMINER: Thank you, sir. You are excused.

THE WITNESS: Thank you, sir.

(Witness excused)

MR. LEINER: Mr. Examiner, I confess to you that we had another witness here. I looked out before and he was gone. I think we will just have to take him tomorrow.

TRIAL EXAMINER: All right, 9 o'clock tomorrow morning.

(Whereupon, at 5.40 p.m. the hearing was adjourned to Wednesday, May 26, 1965, at 9 a.m.).

...

P R O C E E D I N G S

TRIAL EXAMINER: On the record.

FRANK VELLA

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Sir, will you state your name for the record?

A Frank Vella.

Q Will you spell your last name?

A V-e-l-l-a.

Q Where do you reside, Mr. Vella?

A 14 Bragg Drive, Lake Grove.

Q Where is Lake Grove, Mr. Vella?

A Oh, it is about a --

Q Is it in Long Island?

A In Long Island, just east of Smithtown.

Q When were youfirst employed by the Gyrodyne Company of America?

A August 20th of '63.

Q And when were you terminated?

A The 29th of June, '64.

Q What were you hired as, Mr. Vella?

A Avionics inspector, calibration technician.

Q What work did you do as avionics electronics technician?

A Inspected incoming parts but primarily I was the calibration technician, maintain and repair the test equipment.

Q Did you work on days or nights or both?

A Both.

Q When you first were employed by the company, did you work days or nights?

A I worked days.

Q How long did you work days?

A A couple months.

Q Then you worked nights?

A Yes, sir.

Q Did you thereafter return to days or did you work only nights?

A Returned to days.

Q When did you return to days?

A Right after Christmas of '63.

Q Mr. Vella, when you worked nights, how many employees were on the night shift?

A Approximately eleven.

Q Do you know the name Don Cook?

A Yes, I do.

Q Was Don Cook employed on the night shift?

A He was. He was our lead man.

TRIAL EXAMINER: Don who?

MR. LEINER: Cook.

Q You say he was your lead man?

A Yes, sir.

Q What actually did he do, Mr. Vella?

A He assigned work to us at night. He was able to change jobs that we were working on at his discretion. He evaluated our work by a grading sheet that he had.

Q Mr. Vella, was there any other person who assigned work on the night shift when you were employed there?

A No, sir.

Q Only Mr. Cook?

A Just Mr. Cook.

MR. LEINER: Mark this for identification, please.

(Thereupon the document above referred to was marked General Counsel's Exhibit 38 for identification.)

Q (By Mr. Leiner) I show you, Mr. Vella, General Counsel's 38 for identification and I ask you, would you tell the Trial Examiner what it is?

A It is the union card that I signed.

MR. LEINER: I offer it in evidence.

MR. LYONS: Same objection.

TRIAL EXAMINER: Yes. General Counsel's --

MR. LYONS: May I see it, please?

TRIAL EXAMINER: General Counsel's Exhibit 38 is received in evidence over the objection of the respondent.

(The document heretofore marked General Counsel's Exhibit 38 for identification was received in evidence.)

Q (By Mr. Leiner) Mr. Vella, did you ever attend any union meetings?

A Yes, I did.

Q Did you attend union meetings before or after you signed this card?

A Before and after.

Q When was the first union meeting that you recall attending?

A It was about three months prior to the signing of the card.

Q Would you tell the Trial Examiner what happened after you had come tothat meeting?

A The morning following the meeting, I was in the calibration area and about a quarter after nine, Al Beltran and Don Samuels came to me.

Q Who is Al Beltran?

A They are both leadmen. They came to me around 9:15 and they said, "You better see Sullivan. He thinks you are a union organizer and you are going to get canned."

7

TRIAL EXAMINER: Who was the second leadman?

THE WITNESS: Al Beltran, Don Samuels.

Q Did they come to you together?

A No, it was about a five minute interval between each.

Q Did they both say the same thing to you?

A They said exactly the same thing.

Q What did you do then?

A I was greatly disturbed so I waited until I was able to get a hold of Sully.

Q Who is Sully?

A Sullivan. I saw him around ten o'clock. I went up to him and I said,"What is this I hear about me getting canned because you think I'm a union organizer?"

He flatly denied that he ever said this to Beltran or Samuels.

Q Did you attend union meetings after that?

A Yes, I did. About three months later when I signed the card.

Q Did you attend meetings after you signed the card?

A Yes, one, I believe.

Q Did you attend any speeches given by Mr. Papadakos to the employees of Gyrodyne?

A Yes, in June.

Q Do you remember what the dates were in June?

A Thursday and Friday, the 11th and 12th, I believe.

Q Were you at both meetings?

A Yes, I was.

Q Mr. Vella, I show you General Counsel's 33 and 34 in evidence and I ask you to identify them. Would you identify them, please?

A These are the so-called company pies that Mr. Papadakos gave his first speech about. They were on the seats as we came into the hangar area.

Q What time did you go to the first speech?

A It was in the afternoon.

Q Who told you to go there?

A Sullivan.

Q How much time -- how much notice did you have that the speech was being given?

A None. It was just that day they told us about a speech in the afternoon.

Q How many people were there at that first meeting?

A Most of the shop.

Q About how many people?

A Six hundred probably.

Q What did Mr. Papadakos speak about that first day?

A Well, he talked about two hours explaining the comparison of the pies. One was a '63 expenditure and one was a '64.

Q Do you recall anything else in that first meeting?

A No. It was mostly about the two pies.

Q Then did you go to the second meeting?

A Yes, I did.

Q What time of the day was that?

A That was also given in the afternoon.

Q How much notice did you have of the occurrence of that meeting?

A Very little.

Q About how much?

A 15, 20 minutes.

Q You attended that meeting?

A Yes, I did.

Q How many people were there?

A About 200. They just wanted the production people in that day.

Q Do you recall what Mr.Papadakos said?

A Yes. He gave a speech telling us how an employee could advance himself through hard work, there would be raises. He also said that there was enough work in the house to carry us through for another two years. He had mentioned that the dollar that we were paying each week for major medical for the married employees would be taken up very shortly by the company. They would pay this dollar. Also, he said that he saw no reason why the company and the employees couldn't get along together as long as

this wall didn't come between them; this wall being symbolic of the union.

Q Did he actually mention the word "union"?

A No, he used the word wall.

Q Mr. Vella, did there come a time that you were terminated by the company?

A Yes, that was on the 29th.

Q Of June, 1964?

A 1964.

Q Do you recall any other avionics technicians who were terminated at the same time and in the same place that you were?

A Yes.

Q Who?

A There was George Fallo.August Priete and another employee. I don't recall who he was.

Q Who was there for the company, do you know?

A Mr. Hollowedel, Jaskowski and Sylvester.

Q Who were Jaskowski and Sylvester?

A They are personnel men.

Q Would you tell the Trial Examiner what Mr.Jaskowski said to you?

A He said that we were being terminated because it was slow and he went on telling us about the severance pay and mustering out pay that we would receive.

11

Q At the timeyou were terminated, Mr. Vella, do you know whether there was any avionics technician working in the same department as you who was hired after you and continued to work at the time you were terminated?

A Yes. Joe Velasquez.

Q Did Joe Velasquez have another first name?

A Florienzo.

MR. LEINER: I have no further questions, Mr.Examiner.

Q (By Mr. Rubenstein) Mr. Vella, at the time of termination, did you have any tools with yourself in the shop?

A I had some, yes. Some screw drivers, pliers.

Q What happened, did you go back after you were told you were terminated, to pick them up?

A No, they escorted us right out.

Q What happened to the tools?

A I don't know.

Q You left them there?

A Yes, sir.

Q Did they let you go back to get your tools out?

A No definitely not.

MR. RUBENSTEIN: That is all.

CROSS-EXAMINATION

Q (By Mr. Lyons) Did they have strict security provisions at Gyrodyne regarding movement throughout the plant?

12

A Yes, every defense plant does.

Q I am only going to confine my remarks to Gyrodyne. I know know every defense plant, Mr. Vella. I am asking you at Gyrodyne, did they have stringent security provisions regarding movement throughout the plant?

A I guess so.

Q Did they have security badges of different colors for certain areas?

A Yes.

Q Did theyhave rules that men were supposed to remain within their work area?

A Right.

Q Tell me, did you ever have a reprimand given to you by Mr. Sullivan regarding the fact that you were out of your work area?

MR.LEINER: Objection, Mr. Examiner. Unless he is being discharged for cause, it has no relevance.

TRIAL EXAMINER: Overruled.

A Definitely not.

Q Did you ever have a conversation before the building was moved - the department, when it was in Building B, that you were found in the final acceptance section talking to employees and that Sullivan sent for you and criticized that fact?

A No, sir.

16

in Avionics Inspection were based on continuity of service?

A No, I do not.

Q At the time of your discharge, what were your duties?

A Calibration technician.

Q You weren't in Avionics Inspection at that time? You were in a subdivision called calibration inspection, is that right?

A Right.

Q Can you tell me this regarding the work falling off in avionics inspection and instrument calibration in May and June?

A Falling off?

Q Yes.

A No, sir. They had just brought in a screen room to take on new work.

Q Do you know whether anyone has been rehired in Avionics Inspection since you were terminated?

MR. LEINER: Objection.

TRIAL EXAMINER: That's a harmless question. Can you answer that?

A Well, I don't know.

Q Did you sign a statement or statements concerning the testimony that you were to give here today?

A Yes.

32

were serious moments, too.

Q I said that. On night shift, when you have coffee break and the union has been outside, certainly you are going to discuss it, aren't you?

A Sure.

Q And you discussed it in front of a leadman, isn't that true?

A That's right. I brought my union book in one day to show Mr. Cook.

Q Did you ask him tosign a union card?

A Cook?

Q Yes.

A No. He was the best organizer they had there.

Q For the union?

A Definitely.

Q Is he still there?

A Is he still there?

Q Yes.

A Sure.

Q How long have you known him to be an organizer for the union?

A You misunderstood me, sir. I was referring to that he was driving these people to join the union, him and Mr. Sullivan.

Q You didn't like either Mr. Cook or Mr. Sullivan?

33

A Like them? I like everybody. At work, the way things were happening, the benefits, they drove the people to want the union. It is not disliking anybody.

Q And you let this be known in your conversations with different people,including Mr. Cook, at the coffee breaks and things like that?

A Let what be known, sir?

Q The fact of your feelings toward Mr. Sullivan and Mr. Cook.

A No, I don't believe I ever mentioned that.

Q The speech you mentioned that Mr. Papadakos gave, how many people attended the first speech?

A The whole shop was there. I imagine it was 500 or so.

Q How long was the speech?

A An hour and a half, two hours.

Q He talks long, doesn't he?

A Yes, but he didn't say much.

Q But he talks long, is that right?

A Yes.

Q And he talks witha broken accent?

MR. LEINER: Mr. Examiner, would you admonish the witness to answer the questions rather than shake his head?

TRIAL EXAMINER: You better talk up, Mr. Vella, because everything you say has to be on the record.

34

A Yes, I imagine he has a slight accent.

Q You say he didn't say much in the hour and a half or two hours of the speech, is that right?

A He discussed the pies at the first meeting. It took approximately an hour and a half, two hours.

Q Did you get bored during this speech?

A Bored?

Q Yes.

A I imagine so.

Q How near to the front were you?

A Near to the front? Halfway, I guess.

Q Was it packed in?

A No, I was sitting near an aisle.

Q How many people was it you say were there at the first speech in numbers?

A About 500.

Q And he was up in the front of this pack of 500 people?

A Yes.

Q And he went on his rambling speech for an hour and a half or two hours, is that right?

A Yes.

Q He didn't say much?

A He talked about the pies.

Q He talked in this broken English he used?

35

A Yes. He talked in broken English.

Q There came a time in the speech when you heard the word wall?

A No, sir. That was the second day.

Q You didn't hear anything about a wall in the first day?

A No.

Q The first day, did he mention the word union at all?

A No, sir.

Q And the second day, how long was the speech?

A Say about an hour or so.

Q More than an hour, is that right?

A Approximately.

Q Was it given in front of a group of several hundred people?

A Production people.

Q How many would that be, three or four hundred?

A About 200 maybe.

Q You say that sometime during that speech, he used the word wall, is that right?

A Yes, he did, near the end of his speech.

Q You were paying attention at that time, is that correct?

A Yes. This second day speech had more interest than the first day. He was talking about promotions, benefits

38

the work was slow, is that correct?

A Yes, sir.

Q And it is a fact that the work was slow, wasn't it, in avionics inspection and calibration?

A To my recollection, it was not.

Q And do you know that nobody was hired to replace all of the people that were laid off in avionics inspection?

MR. RUBENSTEIN: I object. It is a repetition of the same cross-examination that was had at the beginning.

TRIAL EXAMINER: Overruled.

A No, but I know they went on overtime after we were laid off.

Q You are sure of that?

A Yes, sir.

Q Do you know the fact that there was no hiring, no overtime and no subcontracting?

A I did not know that. I heard that they went on overtime.

MR. LYONS: No further questions.

MR. LEINER: I just have a couple questions, Mr. Examiner.

REDIRECT EXAMINATION

Q (By Mr. Leiner) When you heard the speeches of Mr. Papadakos, do you recall whether he used a microphone

39

or loudspeaker system?

A I'd say the first day he used a mike. He was having trouble with it. The second day I believe the microphone was still there in working order.

Q Thank you.

After you were terminated, do you know whether the company gave the entire avionics department a raise?

A Yes, they did.

Q You testified --

MR. LYONS: That's improper redirect.

MR. LEINER: It was brought out on the cross-

TRIAL EXAMINER: When are you going to learn not to argue with me before I rule? When will you ever learn that?

MR. LEINER: I apologize, Mr. Examiner.

TRIAL EXAMINER: What was the question, Mr.Reporter?

(Question read.)

TRIAL EXAMINER: I'll let it stand.

Q You said on the cross-examination, Mr. Vella, that you knew that there was new work coming in. I believe this was your testimony, because new screens had come in or screening?

A A screen room.

Q Would you tell the Trial Examiner what that was and when the new equipment came in and who told you that there was going to be more work? Would you explain that to the

Trial Examiner?

A They had brought in this surplus screen room which was purchased from Arma, I believe. This was primarily to take care of the work that was going to be coming into the house on transmitters and they needed shielding. That's what the room was for.

Q Had this been done in the shop before in a separate room?

A No. They had no screen room prior to the one coming in.

Q Who told you that there was new work coming in?

A Cook. He had mentioned that they were going to have more work on the transmitters.

MR. LEINER: Thank you, Mr. Vella.

Q (By Mr. Rubenstein) Mr. Ve-la, you testified a great deal about the speech of Mr. Papadakos --

MR. LEINER: May I ask you to withdraw for a moment, Mr. Rubenstein?

I would like to offer in evidence Mr. Vella's prior statement not only for the substance thereof but because of the continued insinuations, slanders and other smears which have been in the record against the office of the General Counsel.

MR. LYONS: I object to the statement.

MR. LEINER: For your perusal, Mr. Examiner, and for

41

the perusal of anybody who reads this record.

MR.LYONS: I object to the statement.

TRIAL EXAMINER: I'll accept General Counsel's Exhibit 38 for the usual reasons.

MR. LEINER: I believe it is 39, sir.

TRIAL EXAMINER: For the usual and customary purposes such pre-trial statements are received.

(Thereupon the document above referred to was marked General Counsel's Exhibit No. 39 for identification and received in evidence.)

Q (By Mr. Rubenstein) You testified a great deal about Papadakos' speeches on the 11th and 12th of June.

Do you remember whether or not he made any remarks in his speech about lack of work or continuance of work?

A Yes. He mentioned that there was enough work for two years.

Q Is that what he said?

A Nothing about lack of work.

Q He didn't say anything about lack of work but he said there is work for two years, is that it?

A Yes.

Q Do you remember which day it was?

A This was the Friday speech.

MR. RUBENSTEIN: That is all.

Q (By Mr. Rubenstein) That is the second speech, is

42

that it?

A The second speech.

MR. RUBENSTEIN: That is all.

TRIAL EXAMINER: Mr. Vella, I understood you to say that at one of these speeches made by Mr. Papadakos, that he said that the company was going to pay the major hospitalization-surgical fees?

THE WITNESS: The $1 that we were paying.

TRIAL EXAMINER: Did he make any other statement at that time as to anything else that the company was going to do in the way of granting bonuses or any other benefits?

THE WITNESS: No. Other than the fact that he said they would be rewarded by their good work.

TRIAL EXAMINER: Did he mention the word bonuses by any chance?

THE WITNESS: I don't recall, sir.

TRIAL EXAMINER: You are excused.

(Witness excused.)

MR. LEINER: May we take a minute or so, Mr. Examiner, before we take the next witness?

TRIAL EXAMINER: Yes, we will take five minutes.

(Short recess.)

LUCIEN MARSAN

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

43

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your name for the record, sir?

A Lucien Marsan.

Q How do you spell your last name?

A M-a-r-s-an.

Q Are you known by any other name than Lucien Marsan?

A Yes.

Q What is that?

A Lour or Frenchy.

Q Is that name Marsan of French extraction?

A Yes, French-Canadian.

Q Where do you reside?

A 1216 August Road, North Babylon.

Q When were you first hired by the Gyrodyne Company?

A October 24, 1963.

Q And you were terminated on June 29, 1964?

A Right.

Q What was your job when you were first hired?

A I was a first piece mechanical inspector working in the machine shop.

Q Was that your job when you were terminated?

A Yes.

Q Did you always work at that job?

A Yes.

44

Q Did you work the night shift or the day shift when you were first hired?

A I started on days for two weeks. Then I was hired for the night shift.

Q Did you remain on the night shift at all times after that?

A All of it except for a short period of time at the Christmas holidays where the whole night shift went on days.

Q Is there a differential in pay paid to the night shift employees?

A Yes, sir.

Q How much is that?

A 15 per cent.

Q What was your starting rate of pay?

A $2.75 an hour.

Q How many employees were on the night shift at or about the time you first went on the night shift?

A Approximately 18.

Q How many employees were on the night shift at or about the time you were terminated?

A When I was terminated, there was about 12 to 15.

Q How many mechanical inspectors were on the night shift?

A One. Myself.

Q Do you know the name James Manico?

45

A Yes, sir.

Q Who is he?

A He was the lead man on the night shift.

Q What did he do?

A His job was to supervise the machine shop operators and machinists, to give out the work and make corrections and advise the men and so on.

Q Were there any other leadmen on the night shift?

A No, sir.

Q Were there any supervisors or foremen on the night shift?

A No, sir.

Q How many employees were employed in the machine shop in entirety?

A I'd say approximately 50 to 60.

Q Was there a foreman over the entire -- withdrawn.

Was there a foreman over the entire machine shop?

A Yes.

Q What was his name?

A George Mancini.

Q Did he work at nights?

A No, sir.

Q He worked on the day shift?

A Right.

Q Did he have an office?

46

A Yes.

Q Was James Manico your supervisor?

A No, sir.

MR. LYONS: I object to this as calling for a conclusion.

MR. LEINER: I withdraw the question, Mr.Examiner.

TRIAL EXAMINER: All right.

Q Do you know -- you were part of the inspection department, is that right?

A Yes, sir.

Q Did you do any machine shop work yourself?

A No, sir.

Q Were you responsible to Mr. Manico?

A No, sir.

Q Who were you responsible to?

A Frank LeGanza.

Q Who is Frank LeGanza?

A He was the spin section foreman for the machine shop.

Q Did he work at nights?

A No, sir.

Q When did the night shift begin and when did it end?

A It was already in existence when I started to work there.

Q I didn't mean that. I mean what time during the day--

A The night shift started at four o'clock in the

47

afternoon and ended at 12:30 at night.

Q I show you --

MR. LEINER: Would you mark this for identification as General Counsel's 40, please?

(Thereupon the document above referred to was marked General Counsel's Exhibit No. 40 for identification.)

Q (By Mr. Leiner) Mr. Marsan, I show you General Counsel's 40 for identification and I ask you if you can tell the Trial Examiner what it is.

A It is a union signing card. To join a union.

MR. LEINER: I offer it in evidence, Mr. Examiner.

MR. LYONS: The same objection.

May I see it?

TRIAL EXAMINER: General Counsel's Exhibit 40 is received in evidence over objection.

(The document heretofore marked General Counsel's Exhibit No.40 for identification was received in evidence.)

Q (By Mr. Leiner) Mr. Marsan, did you speak to your co-employees about the union?

A Yes, sir.

Q Would you tell the Trial Examiner what you told them?

A I spoke to all the employees on my shift about union. I was bringing out the good points and the prospective ways where we would increase our means of holding our jobs

48

by having a union and encouraging them as much as possible to sign cards to join the union.

Q Mr. Marsan, did you receive any union hand-outs?

A Yes, sir.

Q What did you do with them ordinarily?

A I generally put them on top of my tool box.

Q Did any other employees in the machine shop put union literature at or about their work places or work boxes?

A Yes, sir.

Q Who were they?

A To my knowledge that I can remember John Wolf always had some by him. Wally Kargauer and there were a few others but I don't remember their names.

Q Did anybody ever read the literature placed on the work places?

A Yes, sir.

Q Who was that?

MR. LYONS: I object to this, what anyone else did regarding reading them.

Q Who read those?

MR. LYONS: May I have a ruling, sir?

TRIAL EXAMINER: Yes, you may. That's an awfully broad question.

MR. LEINER: I will withdraw the question.

Q Mr. Marsan, did you attend any union meetings?

49

A Yes, sir.

Q Do you remember how many?

A Approximately four to six or so.

Q When did you attend them?

A When I was on the night shift, I attended them before I went to work and when I was on the day shift, I attended them after the work -- after the day shift.

Q In what months did you attend them, do you recall?

A I believe it started in February or March and then I attended another one in April, in May and in June.

Q Do you remember when in June you attended the meeting?

A There was one around the middle of June. I believe I also attended one after I was laid off.

Q Did any person from the company ever tell you that they were dissatisfied with your work?

A On two occasions.

Q Who were they?

A Frank LoGanza.

Q What did he say?

A He told me I had to be careful because I shouldn't make a mistake. I had made a mistake on one time.

Q When was this?

A The first time was the beginning of January.

Q When was the second time?

A I was just merely cautioned.

The second time occurred around the end of May, I believe.

Q. Did you ever have any conversations with any supervisor or leadman about the union?

A Yes, sir.

Q With whom?

A Supervisors, I spoke unionism in general terms with George Mancini, Jim Manico, Frank LoGanza.

Q What did Mr. Manico say about unions?

MR. LYONS: I object to any conversation with Manico. No proper proof of his supervisory capacity.

TRIAL EXAMINER: I'll allow it.

Q Wouldyou tell the Trial Examiner when you first had a conversation with Mr. Manico about the union and what did he say?

MR. LYONS: I object to questions initiated as has been testified by this witness with the different people that he had been preaching union activities to. I object to the responses made.

TRIAL EXAMINER: I understand. I will permit it over your objection.

Q Would you answer the question, please?

A Excuse me, Mr. Examiner, I am slightly hard of hearing. I didn't quite catch what you said.

51

TRIAL EXAMINER: You may answer the question.

A The first conversation I had on unionism with Mr. Manico was, oh, I would say around the Christmas holidays.

Q What year would that be?

A Probably December '63.

Q What did he say to you and what did you say to him?

A As I said, we were generalizing on the pros and cons of unionism. Naturally, myself being more in favor than against it, naturally, being a working man. His conversation was not derogatory against the union but trying to point out the counter effects that it could have against the company whereas I was trying to point out where the union always helped the working man and very seldom hurt the company.

Q What did he say, as a matter of fact?

A I can't recall his exact words.

Q Well, in substance, did he say anything what would happen if a union came into the company?

A No, we didn't delve into that particular question.

On a separate occasion, I would say it was somewheres around Easter 1964, around April or May, when I again had an opportunity to have a conversation with him. Again, no exact point was made as to what would happen if the union did come into the company, but again, his attitud

52

was not one to me seemed to be completely against it.

Q Did any supervisor ever talk to you about the name of any other employee with regard to any activity?

MR. LYONS: I object to the question as leading and suggestive.

TRIAL EXAMINER: Yes, it is.

A Yes.

Q What did he say and who said it and when was it said?

A In the beginning of June, 1964, at the beginning of the night shift, Mr. Manico happened to mention to me that Wally Kargauer's name had been mentioned in unlikely places and he should be careful, watch his step.

Q You mentioned the name George Mancini and he was the foreman of the entire shop?

A He was the supervisor.

Q Did you ever attend any speeches that he gave?

A Yes, sir.

Q When was the first?

A The first one was around the Christmas holidays when everybody was on days.

Q At what time of the day was this speech?

A At about a quarter to four. Just before the end of the shift.

Q Who was there?

A The entire machine shop force.

53

Q Is that the day shift and the night shift?

A Yes, as we had consolidated supposedly for the holidays.

Q Would you tell the Trial Examiner what Mr.Mancini said?

A That first meeting --

Q By the way, was there work going on while he was speaking?

A No. All the equipment had been shut off.

Q What did he say?

A He stressed the point that he was hoping to be able to contract jobs that were being given out to vendors or subcontractors and get them into the machine shop, as far as machine shop work was concerned, and that he was hoping to be able to make bids on new work that was coming into the plant due to a new contract, that everyone should keep their shoulder to the wheel and do their best so that he could put a lower bid to get the work.

Q You said he made a second speech?

A Yes, sir.

Q When was that?

A The second speech was made, I would say, around May. May or June. The beginning of June possibly.

Q What did he -- was the whole shop there again?

A Yes.

54

Q Was the day shift and the night shift there?

A Yes.

Q Was the machinery running?

A No, sir.

Q What time of day was this speech?

A This meeting tookplace between a quarter to four and a quarter after four.

Q What did Mr.Mancini say in this second speech?

A At this second meeting, he was very happy to announce that he had acquired a number of parts contracts for the machine shop due to his ability to put in low bids because of the -- his work force having cooperated in producing higher quality material as well as cheaper by keeping on the job and that on that basis, he wanted to increase the complement of help on the night shift to make it comparable to the day shift and wherever possible, increase the day shift complement of the force.

They had also started negotiations to acquire more equipment in order to be able to put out more work and that at the same time -- in that same speech, he also stressed the fact that we had work in the house for at least 18 months and generally more.

Q Do you recall anything else he said at that time?

A I remember him saying that he had gotten some work from vendors because of his being able to put in -- submit

55

lower bids.

Q What do you mean he got work from vendors?

A By that I mean work that had normally been given out to vendors prior, subcontractors, he was able to take away from them and bring them into the shop of Gyrodyne.

Q Were you terminated on the 29th of June?

A Yes, sir.

Q Prior to that time, did any supervisor of the company come to you and ask you about union literature or copies of it?

A Yes, sir.

Q Would you tell the Trial Examiner when that occurred, who asked you and what the conversation was?

A This took place about the middle of June.

Q What year was this?

A In 1964. I would say about a week or so before I was laid off which was the 29th. Jim Manico came to me and asked me if I had any pamphlets, union pamphlets that had been given out at the door as we came into work. This was the four o'clock shift.

And I told him that I had and I asked him how many he wanted.

He said he wanted about three or four. So I had one myself which I gave him and he said, "Do you know anybody else who has any?"

56

I said,"Yes,John Wolf has one."

So he said he would get his and then I said I would try to get him another one, which I did from another fellow employee who had come in with one.

Then when I got that, I gave it to him and I asked him what he wanted themfor and I remember him saying that he wanted it for the general supervisor, Pete Ackles.

I said, "What does he want with them? He can pick them up all over the place."

He said he wants a few copies for the old man, Mr. Papadakos.

That was the end of it.

Q You were terminated on the 29th of June. Would you tell the Trial Examiner, Mr. Marsan, what happened at your termination and who was there and how you came to be terminated?

A I was approached at a quarter to five in the afternoon by some gentleman from personnel, whom I didn't know. He told me that my head supervisor, Mr. Ho-lwedel, wanted to see me up in the balcony of the machine shop.

When I went up there, there was a personnel man sitting at the table. I did not see Mr. Hollwedel right away. The gentleman that brought me up introduced me to one of the personnel men.

I was told to sit down. I was handed my severance

57 pay,my vacation pay, a couple days sick pay I had coming and my work pay and I was told that I was being terminated.

Q Did you ask Mr. Hollwedel any questions?

A Well, before I saw Mr. Hollwedel, I asked the personnel man who was giving me all my money and telling me that I was terminated, how come?

He said, "Well, there is a reduction in work force because there is a reduction in work."

So I asked him, I says, "Well, is this a temporary basis or is there any recall?"

He said, I'm sorry, there is no recall. If you want the job back, you will have to reapply."

So I thanked him and on my way -- the personnel man started escorting me downstairs back to the floor. I saw Mr. Hollwedel then. And he shook my hand and wished me luck and I asked him how come again.

So he had no answer to give me.

MR. LEINER: I have no further questions, Mr. Examiner.

MR. RUBENSTEIN: No questions.

CROSS-EXAMINATION

Q (By Mr. Lyons) Mr. Marsan, these conversations you had from the time that you came to work there with different people concerning the union, you started most of those, didn't you, in discussing the benefits of the union?

60

Q And this, naturally, led to conversations and there was the pro and con of discussions between men, isn't that right?

A That was the general trend of the conversations that I had with any supervisors.

Q And how about with the men themselves?

A I urged them to join the union.

Q And you were always urging them to join the union, is that correct?

A Only after I signed the card.

Q After you signed the card, did you go to the union meetings?

A Yes, sir.

Q Would you tell me how many people attended the first union meeting you attended?

A The first union meeting I attended was on days. I was working days at the time. And I would say there was about either 20 or better men there.

Q Did you attend one in March that Mike Billone attended?

A Beg pardon?

Q Did you attend a meeting in March at which you saw a Gyrodyne employee named Mike Billone?

A I don't know Mike. I may know him by sight. The name doesn't ring a bell.

61

Q Do you remember being at a union meeting in March at which there were ten or eleven people?

A I remember one meeting where there was about ten or eleven people, ten, fifteen, I don't remember the exact number.

Q When was that, please?

A I believe that meeting was - let's see, I signed a card in February, the end of February. I attended a meeting then. This meeting would be somewheres around the middle of March.

Q You say you attended other meetings?

A Yes.

Q Can you tell me whether there were any other meetings in which there were as few as 10 or 15?

A There was one meeting when I was the only one there. I was on the night shift. The meeting was announced and advertised and on the night shift, we had about 18 some-odd people but most of them couldn't make the meeting,for some reason or other they didn't make it.

Q You were the only one that attended that meeting, is that right?

A Yes, sir.

Q When was that meeting?

A That meeting was sometime in April.

Q Do you know, Mr. Marsan, that on June 29, in addition

62

to yourself being terminated in the mechanical inspection department, that the mechanical inspectors Hurley, Powell, Puterio and Schmidt were also terminated?

A I found that out when I came into work at night. There were also a few others.

Q There were others in addition?

A Yes. There was at least one other inspector that I knew of that was terminated that day.

Q Did you ever have any conversation at the end of June that a contract had been lost for spares? Think back, sir.

A No. Not that a contract had been lost. This word was spread through the shop that we had lost a spare parts contract.

Q When was that, sir?

A This rumor I heard from outside the fence after I was laid off.

Q You don't recall that you had a conversation with Mr. Manico and other people concerning the reduction in workload and the loss of a spare parts contract?

A No, sir.

MR. LYONS: I think that's all. Thank you.

MR. LEINER: You are excused.

(Witness excused.)

MR. LEINER: May I call the next witness?

63

TRIAL EXAMINER: Yes.

EDWARD GALVANI

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your name for the record, please?

A Edward Galvani.

Q Where do you reside, Mr. Galvani?

A 79 Ackerly Lane, Lake Ronkonkoma.

Q When were you first employed by the Gyrodyne Company, Mr. Galvani?

A January 13, 1963.

Q What was your job when you were first employed?

A I was an expediter.

Q What is an expediter?

A Well, in my case, I drove a vehicle. Picked up parts.

Q Were you called a driver?

A Right.

Q Did you drive with other employees by the name of Spicer and Roman?

A Yes, I did.

Q Were you terminated on June 19th?

A Yes, I was.

64

MR. LEINER: Would you mark this for identification as General Counsel's 41 for identification, please?

(Thereupon, the document above referred to was marked General Counsel's Exhibit No. 41 for identification.)

Q (By Mr. Leiner) Mr. Galvani, I show you General Counsel's 41 for identification and ask you to tell the Trial Examiner what it is.

A That's the union card that I signed.

MR. LEINER: I offer it in evidence, Mr.Examiner.

TRIAL EXAMINER: What is the date?

MR. LEINER: 3-16-64.

I offer it in evidence, Mr.Examiner.

TRIAL EXAMINER: General Counsel's Exhibit 41 is received in --

MR. LYONS: Objection.

TRIAL EXAMINER: -- over objection of respondent.

(The document heretofore marked General Counsel's Exhibit No.41 for identification, was received in evidence.)

Q (By Mr. Leiner) Mr. Galvani, after you signed a card, did you have a conversation with any supervisor regarding the union, the value of the union?

A Shortly before I was laid off, with Pete Ackles.

Q What was your conversation with Mr. Ackles?

A Well, I was told to go see him in his office.

65

TRIAL EXAMINER: This is before you were laid off?

THE WITNESS: Yes.

A And he asked me what I was qualified for, what type of work.

Q About how long before you were laid off was this conversation?

A This was the same week, I believe, we had a long conversation on what I could do and what I couldn't and he said, "I take it that I was going to be transferred to another section" -

Q Mr. Galvani, would you tell the Trial Examiner how it came that you were up in Mr. Ackles' office?

A Well, I come in from the road one day and Lou Alfieri said that Pete Ackles had called and wanted to see me.

So I right on the phone and called him and the line was busy. I waited a while and called again. He was there and he told me yes, to come right up, which I did.

And that's when he started mentioning different jobs.

Q What different jobs?

A Well, he mentioned the blade shop.

Q What did you say? Did he ask you whether you wanted a job there?

A At first I didn't answer, so he said, "I want you to be honest about it." I says, "Well, if you want that,"

66

I says, "I don't think I would care for that type of work."

Q What did Mr. Ackles say?

A He said it was perfectly all right.

Q What did he say then?

MR. LYONS: I object to that as leading and suggestive.

Q Would you tell the entire conversation to the Trial Examiner?

A He said, "How about wiring?"

I said, "That's all right." I said, "I done plumbing and heating for almost ten years. I know something bout wiring."

He said, "Well," he said, "Whatever you don't know, we could teach you." He said, "You know the fundamentals."

I said,"Yes."

And he left it at that. We stopped talking for a while. And he was tapping his pencil on the desk and he looked me straight in the eye and he said, "About this union" -- so I stopped him right there. I cut in and I said, "Pete," I says, "I don't know anything about the union." I says, "As far as who is the head of it or anything like that." I says, "I have been approached several times and I have heard some men talking union but," I says, "as far as I'm concerned," I says, "I worked at Bayliss" -

Q What is Bayliss?

A Bayliss Fuel Oil Company for nine years with no

67

union and the company was sold out and we got a company union or an amalgamated union, whatever you want to call it, and shortly after that, I quit and so did quite a few other fellows. It didn't do us any good. We got a nickel raise per hour. That was the only union I ever had anything to do with and I told him I didn't think much of it.

Q As a matter of fact, Mr. Galvani, you had already signed a card, hadn't you?

A Yes, I did. Of course, I didn't tell Pete that.

Q This is Pete Ackles?

A Yes.

Q Who is Pete Ackles, Mr. Galvani?

A As far as I know, he is about the second or third man in line in the company.

Q Do you know if he has a title?

A I don't recall what his title was. I know he is way up the list. That's all I really know.

Q Mr. Galvani, do you know the name Tony Calicndo?

A Yes, I do.

Q Did you ever have a conversation with him prior to your discharge regarding a change of job?

A This was about a week before I got laid off.

Q Will you tell the Trial Examiner the circumstances of what the conversation was and what happened in the conversation?

68

Where did it take place?

A This was in the morning and I was in my area and Tony happened to come in that day --

Q Tony who?

A Caliendo.

Q Who was he?

A He was in charge of our whole group. He was the foreman.

Q What relationship did he have with a Mr. Louis Alfieri?

A He was above Lou Alfieri. He was Lou Alfieri's boss..

Q And you had a conversation with Mr. Caliendo?

A Well, he came to me.

Q What did he say to you?

A He said, "How would you like to make $10 more per week?"

Q What did you say to him?

A I said, "I am always interested in making a little more money." Isaid I would like it.

So he said, "We'll see," and he didn't mention any specific job or anything.

That's all he did say. "How would you like to make $10 more."

Q Did anything ever happen after that with regard to a new job for you?

69

MR.LYONS: I object to this. Leading and suggestive.

A I think it was a day or two later that I went to Tony's office and I had a conversation with him.

Q What was the conversation?

A Also, I didn't ask for that. I was told to go up there.

Q Who told you to go up there?

A Lou Alfieri sent me there, too.

Q Lou Alfieri?

A That's right. And he told me of different openings. You see, he said there was no openings right then--

TRIAL EXAMINER: Who is this?

THE WITNESS: Tony Caliendo.

He said there would be. He showed me a big board with a lot of names and boxes on it.

Q Where did this conversation take place?

A This is in Tony's office.

Q Tony who's office?

A Caliendo.

Q He showed you a big board?

A T at's right.

Q What did he say about the big board?

A He explained it to me more or less, how the different men, some were moving up and then there was -- at that time,

70

the time I seen it there was no open boxes without names. They were all-- there were names in all the boxes.

He said there is no opening at the present time, and he did mention -- I forgot what he mentioned, but anyway, we spoke for a good half hour, I'd say. And I went out of there happy, figuring, well, if my job does get terminated, I'll have some job in this company.

Q Do you know the name Avisano?

A Dominick Avisano was with Tony that day in his office.

Q Was there a conversation in which Mr. Avisano was mentioned?

MR. LYONS: I object to this.

A Tony mentioned about the-

TRIAL EXAMINER: Mr. Galvani, when you hear one of counsel object to questions asked, don't answer right away, will you please?

THE WITNESS: Is it okay to continue?

TRIAL EXAMINER: Go ahead now, but in the future, please don't start your answer after counsel objects.

A Well, Tony mentioned expediting around the area to me and I said I would go for that. I said I thought that would be a good job. And this Dominick Avisano, he popped in and said, "Well," he says, "I don't think this man will be qualified for this job."

71

Why he said it, I don't know.

Q Who is Dominick Avisano?

A He was just under Tony. He was one of Tony's right-hand men.

Q Was it after this or before this that you saw Pete Ackles up in the office?

A It was after.

Q In other words, you saw Ackles after you spoke to Caliendo?

A That's right. It was the week after that I seen Ackles.

Q Can you place for the Trial Examiner more particularly how long it was between the time you saw Mr. Ackles and your termination?

A It was that same week. It was the beginning of the week that I had been up to see Ackles on his request, and that Friday, that same Friday -- we used to work from 8:30 to 5:00 in our department. About 4:30 or a little before, myself, Pete Roman and Dale Spicer were told by Lou Alfieri to go across the street to personnel department, which we did.

Q Would you tell the Trial Examiner what happened in the personnel department?

A Well, at that time I was so upset, to tell you the truth-- they did say something to us. They gave us a speech

72

but I don't even recall one word of it. I do remember they handed us each a check and after they spoke, this one man spoke to us and we were hurried out the front door and that was it. Finished.

Q Do you remember if there was any conversation with regard to --

TRIAL EXAMINER: Excuse me. Were Roman and Spicer with you at that time?

THE WITNESS: They were both also drivers, yes.

Q Do you recall if there was any question asked either by you or any other of the employees or whether you were told as to why you were being terminated?

MR. LYONS: I object to this, your Honor. It's just been answered. He doesn't recall.

TRIAL EXAMINER: If he does recall. Do you remember any reason being given to you for your termination on that day?

THE WITNESS: None at all. None whatsoever.

MR. LEINER: No further questions, Mr. Examiner.

MR. RUBENSTEIN: No questions.

CROSS-EXAMINATION

Q (By Mr. Lyons) Did you give a statement to anybody concerning your testimony here?

A Just to Mr. Leiner here.

Q How many statements did you give?

74

A That's right.

Q And this had to do with maybe getting you another job some place, is that right?

A That's what I thought,yes.

Q Was that in connection with the fact that there was a reduction in the workload as far as the drivers were concerned?

A Well, I know for a fact that since they laid the other drivers off, the two that are left are very busy.

Q I didn't ask you that, Mr. Galvani. I am asking you, wasn't it a fact that the reason that you knew that you were being questioned about other jobs was because of the fact there was no work in the motor pool for a number of the drivers that they had?

A I guess so because they said they were going to send a lot of things by truck or parcel post or what have you.

Q That's right. The vendors, is that the word you use?

A Yes.

Q The vendors were going to supply the transportation to the plant themselves, is that correct?

A That's what they told me, yes.

Q And that was to cut down the amount of work, is that correct?

75

A That's what I understand.

Q Can you tell me this? The men that remained working in the motor pool, did they have more continuity of service than you had? McMillan and Masterson?

A Yes.

Q The men that were laid off with you, Galvani and Roman and Spicer, I mean the three I have here, including you, you were the lowest in the continuity of service at Gyrodyne in the motor pool, is that right?

A No, I wasn't. Spicer was below me.

Q I mean the three of you were low?

A Yes.

Q Those three. And at this conversation with Caliendo when he was exploring different things, at the end of that conversation, there was a man named Avisano who said something, is that right?

A That's right.

Q Was he there all of the time during the conversation?

A Yes, I believe he was there.

Q And he heard all of the conversation. And at the end of the conversation, do you remember him saying that toyou. "No, he would not do. He did not have any prior experience"?

A It may have not been in those exact words, but he

78

TRIAL EXAMINER: Well, I'll let them in. I don't know what for.

That's 42 and 43, General Counsel's Exhibits, received in evidence over objection.

(The documents heretofore marked General Counsel's Exhibits Nos. 43 and 44 for identification, were received in evidence.)

MR. RUBENSTEIN: No questions.

TRIAL EXAMINER: You are excused, Mr. Galvani.

Thank you.

(Witness excused.)

MR. LEINER: May I call the next witness?

TRIAL EXAMINER: Yes.

CARL G. SCHMIDT

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your name for the record, please?

A Carl G. Schmidt.

MR. LEINER: I beg the Trial Examiner's indulgence for just a minute, please.

Q Mr. Schmidt, where do you reside?

79

A Brookfield Avenue, Center Moriches.

Q When were you first employed by the company?

A In November of 1962.

Q Were you terminated on the 29th of June, '64?

A Yes, that's right.

Q When you were hired by the company, what was your job?

A Inspector, Blade inspector.

Q Did you have any experience in woodworking?

A Yes, all my life.

Q What did you do all your life in woodworking?

A Well, I am a carpenter, cabinet maker, boat building.

Q What was your starting rate of pay as a blade inspector?

A I believe it was $2.50.

Q Did you ever receive any increases?

A Yes.

Q How many?

A About two.

Q Do you remember when they were?

A I can't remember exactly when they were.

Q Well, to the best of your recollection?

A I was there about a year and toward the end of the second year, I got the second one.

Q Do you know how much the first one was in terms of--

80

A I think they were dimes.

Q Dimes per hour increase?

A Yes.

Q You say you were a blade inspector. Where did you work?

A In the blade shop.

Q Did you know Martin Pipia?

A Yes.

Q Did you know Damato?

A Yes.

MR. LEINER: Would you mark this for identification, please, as General Counsel's Exhibit 44?

(Thereupon the document above referred to was marked General Counsel's Exhibit No. 44 for identification.)

Q I show you,Mr. Schmidt, General Counsel's Exhibit No. 44 for identification and I ask you to tell the Trial Examiner what it is.

A This is the authorization for the union to represent me.

Q Did you sign that?

A Yes.

MR. LEINER: I offer it in evidence, Mr. Examiner. It bears the date 5-27-64.

I now show it to counsel for respondent.

81

MR. LYONS: Objection.

TRIAL EXAMINER: General Counsel's Exhibit 44 will be received over objection of respondent.

(The document heretofore marked General Counsel's Exhibit 44 for identification, was received in evidence.)

Q Mr. Schmidt, did you ever attend a union meeting?

A Yes.

Q How many?

A One.

Q When was that?

A June the 8th, I think.

Q Of what year?

A '64.

Q Do you remember Mr. Damato being there?

A Yes.

Q Would you tell the Trial Examiner what you recall of what he said at that meeting?

MR. LYONS: I object to anyconversation with Mr. Damato at a union meeting as not binding on this respondent.

MR. LEINER: It is already in evidence, Mr.Examiner. I just want to corroborate it.

TRIAL EXAMINER: Just a minute.

MR. LEINER: Did you rule, sir?

TRIAL EXAMINER: I said just a minute.

What is the date of this meeting, June 3 or 30th?

82

Q Would you say it again, please?

A I think it was the third.

MR. RUBENSTEIN: I think he said June 8th. He does not remember the date.

THE WITNESS: It was after work.

TRIAL EXAMINER: You are going now to where Damato is talking about Southworth or to Southworth?

MR. LEINER: Yes.

TRIAL EXAMINER: I will sustain the objection.

Q Mr. Schmidt, you said you were terminated on the 29th of June?

A Yes.

Q Do you remember whether there were any other employees of the company who were in the blade shop with you at the time?

A There were two more. Fluellen was one, and the other man's name I don't know. He wasn't here too long. I never got to know him by name.

Q Were there any personnel department people there?

A Yes, two.

Q Who?

A Sylvester and I think Skoda -- a Polish name.

Q Was it Skowski?

A Skowski.

Q Would you tell the Trial Examiner how you happened

83

to go up and meet with them for being terminated and would you tell him whathappened as you were being terminated?

A Well, I was -- during coffee break, I was getting ready for the next day and I was told by Al Morel that -- had these other two men with him and I had a pretty rough idea of what it was from what was going on there before, so I took my thermos bottle and my things and walked up to the office.

We were shown into a small room and told to sit down, which I didn't do because I was ready to be fired anyway.

One of the other men asked them -- they told us that the work was slowing down. They didn't have enough for us to do and they had to cut back.

And I thought this over and then the other man asked-- I think it was Bill asked how they arrived at who they were laying off and they said it was from seniority and at that time, I just said that was a dman lie because there were a couple other men right in the shop who were hired after me who were still there and to pay me off and let me go if they were going to act that way.

Q Who did you say this to, Mr. Schmidt?

A Well, I spoke to the two personnel generally. I didn't direct it at any one personally.

Q Do you know who William Dennis is?

84.

A Yes.

Q Did you ever hear or overhear a conversation regarding the union wherein he spoke?

A Well, I overheard him several times. He was dead against the union from what I understood --

MR. LYONS: Move to strike that out.

TRIAL EXAMINER: I didn't understand it. I'm sorry to say.

Would you read it to me, Mr. Reporter?

(The record was read by the reporter.)

Q Did you ever hear him definitely speak about the union?

A Oh, yes.

TRIAL EXAMINER: This is Dennis you are talking about?

A Yes. He never spoke to me because I was in the shop doing other work but I could hear the conversation going on with other men. It was a sort of eavesdropping.

Q What did you hear him say?

MR. LYONS: Can I have the time fixed?

Q When was this, the month, the date?

A Oh, I guess it was a pretty daily occurrence, whenever the question came up or anybody spoke about unions, Bill would sound off and say he didn't want that sort of thing in the shop.

85

Q Do you remember when this was, when it started, when it stopped?

A It would usually be the strongest when they were at the gate giving out pamphlets or papers. The boys would bring them in and then the arguments would start. I never got into them but I was in a different department. I could just hear what went on.

Q In other words, what you are saying is Mr. Dennis didn't say this to you but you overheard it?

A That's right.

Q Did you ever hear him say anything that you construed to be about the union?

MR. LYONS: May I have the time fixed, your Honor?

TRIAL EXAMINER: We don't have time on this. It's just general, during the union organization campaign.

Can you fix it a little closer, Mr. Leiner?

MR.LEINER: May I call the Trial Examiner's attention to paragraph 7(a) and 7 (b) of the complaint which fixes the time? Paragraph 9(a) and 7(a) regarding Mr.William Dennis?

Q How long before you were terminated, Mr. Schmidt, did you hear Mr. Dennis -- overhear Mr.Dennis talk about the union?

A Oh, about a week or so before.

Q Did you ever overhear him refer to anything about a

86

union meeting?

A No special union meeting. It was just the union.

Q At the time you were terminated, Mr. Schmidt, did you observe whether there was a shortage of work that was coming past your inspection?

A None at all. In fact, when they called me up, I had half the work for the next day-- I had that on my desk and when they called me up to be laid off, I just left it there. I don't know who finished it.

MR. LEINER: I have no further questions, Mr. Examiner.

Q (By Mr. Rubenstein) Mr. Schmidt, do you know a fellow by the name of Al Dicks?

A Yes.

Q Who is Mr. Dicks?

A He was my leadman after Mr. Bohler was laid off.

Q Did you have a conversation with Mr. Dicks about the union at anytime?

MR. LYONS: I object to this.

TRIAL EXAMINER: We will have to find out a little more about Dicks, who he is, what he did. I can't just assume that it is prima facie proof even though it is secondary when you tell me he is just a leadman. Leadman, as I said before, is such a vague and general term as demonstrated by this record up to now. There is a variation in

91

THE WITNESS: LoGanza.

TRIAL EXAMINER: Can you tell us in your own words just what Dicks did during the course of a normal day, what his function was?

THE WITNESS: Well, to coordinate the inspection work with the production and the buying of the Navy. If any problem came up or a blade wasn't at a point where it could be accepted by the Navy, Mr. Dicks would call in Frank LoGanza or the Navy and they would knock it down or have it repaired according to specifications.

Q Ywu said you had a conversation with Mr. Dicks about the union, I think before?

MR. LYONS: I object to this leading and suggestive-- I would like some order out of this hearing regarding this, if you have to silence this lawyer.

TRIAL EXAMINER: I will have to strike the testimony of the witness from the record if it keeps up. It is the only thing I can do.

MR. LYONS: It is being kept up beyond patience here. I ask that you silence this attorney since this continual source of conduct has gone on.

TRIAL EXAMINER: I beg of you, Mr. Rubenstein,please be careful, do not lead the witness on these important questions.

Q Did you have a conversation with Mr. Dicks?

93

I caution you, Mr. Rubenstein, I will strike all the testimony if there are any more leading questions.

MR. RUBENSTEIN: There is a question, Mr. Examiner, to which an objection was made and if the reporter will read the question --

TRIAL EXAMINER: Oh,just ask it again, please.

Q When was the conversation with Dicks that you referred to and what was it about?

Is that leading?

TRIAL EXAMINER: No.

A It was about several days after the union meeting we are speaking about that Mr. Dicks knew I had gone to and he just asked me what I had against the company. Why I was getting peeved at them.

Q Did you say anything?

A I said the way things were going there, I would have to take care of myself or get somebody who would.

Q Did he say anything about it?

A No, no.

MR. LYONS: I object to this conversation and move to strike it all.

MR. RUBENSTEIN: No further questions.

TRIAL EXAMINER: I'll let it stand because it really doesn't amount to anything.

CROSS-EXAMINATION

94

Q (By Mr. Lyons) Mr. Schmidt, you were a mechanical inspector, is that right?

A Yes.

Q Mr. Hurley, do you know him?

A Yes.

Q Was he a mechanical inspector?

A When you say mechanical inspector, I was a blade inspector on the wood blades. Mr.Hurley, I think, was in the machine shop as far as I know.

Q Was he an inspector, sir?

A Yes.

Q Was he also a mechanical inspector, is that the term used for him?

A Yes.

Q Mr. Powell, was he a mechanical inspector?

A Mr. Powell -- yes.

Q Was Mr. Puterio a mechanical inspector?

A Mr. Puterio was, too.

MR. LEINER: I object, Mr. Examiner. These are matters for defense. I don't think they should be gon into on cross.

TRIAL EXAMINER: Overruled.

Q Were they -- was Mr. Puterio a mechanical inspector, sir?

A As far as I know, yes, sir.

99

were?

A There were two of them.

Q Would that be Mr. Bentivegna and Mr. Fluellen?

A I didn't know the other man Bentivegna. I only knew Fluellen.

Q You say you had a conversation with Mr. Dicks?

A Yes.

Q That was sometime, would you fix that in June of 1964?

A Yes.

Q That was after you had attended a meeting on May 27th of '64, is that right?

A Yes.

Q Would it have been a week later you had this conversation with Mr. Dicks?

A Approximately a week later.

Q You don't know whether any company supervisor and management personnel knew that you had joined and were interested in the union, do you, Mr. Schmidt?

A No.

Q This conversation that you had with Mr. Dicks, would you say it was about one week after you went to a union meeting?

A That's right.

Q Had you complained to him that you had some things

against the company?

A Well, yes.

Q And he asked you what things you had against the company and you told him?

A That's right.

Q And then you got into a conversation about a union, is that right?

A Yes.

Q Mr. Dicks had nothing to do with the transfers, discharges or hiring of employees at Gyrodyne, did he?

A No.

MR. LYONS: No further questions.

REDIRECT EXAMINATION

Q (By Mr. Leiner) When you spoke to Mr. Dicks about the union, who started the conversation?

A He did.

Q Mr. Schmidt, what things did you tell Mr. Dicks that you had against the company?

MR. LYONS: I object to this.

MR. LEINER: It was brought out on the cross.

MR. LYONS: There was nothing brought out concerning any of the things he had against the company.

MR. LEINER: A specific question was asked, Mr. Examiner.

TRIAL EXAMINER: The question simply was whether or

109

AFTER RECESS

(Whereupon, at 2:00 o'clock p.m., the hearing was resumed pursuant to the taking of the recess at 12:55 p.m.)

TRIAL EXAMINER: On the record.

WALTER KARGAUER

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your name for the record, sir?

A Walter Kargauer.

Q Will you spell your last name, please?

A K-a-r-g-a-u-e-r.

Q Where do you reside?

A 10 Laurel Lane, Commack.

Q When were you first employed by the Gyrodyne Company, Mr. Kargauer?

A In June of 1963.

Q What was your job when you were first employed?

A Milling machine operator.

Q When were you terminated, Mr. Kargauer?

A In June of '64.

Q What was your job at that time?

A Milling machinist.

110

TRIAL EXAMINER: Mr. Kargauer, you have to keep your voice up. I can't hear you.

THE WITNESS: Milling machinist.

TRIAL EXAMINER: The same job you started with?

THE WITNESS: Yes.

Q Did you ever change your classification during your period of employment with the company?

A No.

Q What was your starting pay?

A $2.50

Q Is that $2.50 per hour?

A Yes, sir.

Q What was your final salary, do you know?

A $2.65.

Q When did you get the raise, Mr. Kargauer?

A In January '64, in two parts.

Q What were the two parts?

A 15 cents in January and a dime following during the summer.

Q Did you ever receive the dime in the summer?

A No.

Q How many employees were employed -- withdrawn.

Did you work the day shift or the night shift, Mr. Kargauer?

A Day shift.

111

Q How many employees worked the day shift in the machine shop, approximately?

A Approximately 40.

Q And how about the night shift, do you know?

A I would say roughly about 15.

MR. LEINER: Would you mark this for identification, please?

(Thereupon the document above referred to was marked General Counsel's Exhibit No. 45 for identification.)

Q I show you General Counsel's 45 for identification, Mr. Kargauer, and I ask you to tell the Trial Examiner what it is.

A It is my card for the union.

Q Did you sign that?

A Yes, sir.

MR. LEINER: I offer it in evidence, Mr. Examiner. It bears the date 3-10-64.

I show it now to Mr. Curley of the respondent.

MR. CURLEY: I have the same objection to this card as I had to the others, Mr. Examiner.

TRIAL EXAMINER: Yes. Please mark it General Counsel's Exhibit 45 in evidence, Mr. Reporter.

(The document heretofore marked General Counsel's Exhibit 45 for identification, was received in evidence.)

112

Q (By Mr. Leiner) Mr.Kargauer, did you ever attend any union meetings?

A Yes.

Q How many?

A About five.

Q When was the last one that you attended, do you remember?

A I know it was held at the Veterans Hall. I don't remember the date.

Q Was it before or after you signed the union card?

A After.

Q How long before you were terminated, did you attend the meeting?

A This only happened a couple weeks before.

Q A couple weeks before you were terminated?

A Yes.

Q Do you remember when you were terminated?

A On what day?

Q Well, what month?

A In June.

Q June of what year?

A '64.

Q You have to keep your voice up.

A '64.

Q Do you remember when in June of '64, in the beginning

113

or the end of the month or in the middle of the month?

A It was the end of the month. On a Monday or Tuesday.

Q Was this last union meeting that you attended before or after you were terminated?

A Before I was terminated.

Q Did you ever receive any union literature?

A Yes.

Q Where did you keep it?

A On my tool box. On my bench.

Q Any other employees in the machine shop keep union literature around their work boxes or work benches?

A Yes.

Q Who?

A Several. The ones I remember are Wolf and Frenchy, Marsan.

Q Did you ever have a conversation with any supervisor about the union?

MR. CURLEY: Mr. Examiner, I object to the use of the word supervisor.

TRIAL EXAMINER: Well, it is misleading. I commented on it before. It is meaningless.

I'll take it.

A Yes.

Q Who?

A Mr. Mancini.

Q George Mancini?

A Yes.

Q Who is George Mancini?

A He was my supervisor.

Q Tell me what he did.

A He was my foreman. He gave me the jobs to do, assigned the work.

Q Who put you in for the raise, Mr. Kargauer?

A Mr. Mancini.

Q Did you discuss the raise with him?

A Yes, we were called into his office.

Q Who was called into his office?

A Everybody that was to receive a raise.

Q What happened in the office?

A He told us what amount we were getting and when we were getting it.

Q I take it this was Mr. Mancini's office?

A Yes.

Q Did Mr. Mancini do any work on the machines or the lathes?

A Not that I ever saw.

Q Were there any leadmen in the machine shop?

A Yes.

Q Who were they?

115

A At that time there was a fellow by the name of Joe. And there was an assistant foreman whose name I don't re - call right now.

Q Does the name Joe Hans mean anything to you?

A It was Joe Hans.

MR. CURLEY: I object, Mr. Trial Examiner.

Would you repeat your admonition to counsel for the General Counsel not to lead the witness.

MR. LEINER: He already answered partially. I wanted to know if that was the name.

MR. LYONS: That doesn't cure the fact that he successfully leads the man.

TRIAL EXAMINER: Go ahead.

Q Mr. Kargauer, what else did George Mancini do, do you recall? With regard to his job?

A As far as I know, he kept production records and handed out work to the men. That's all I know. And he informed us what was going on with the company.

Q What did he do with regard to these leadmen that you mentioned?

A He would give them the assignments and they would give the assignments to us.

Q You said you had a conversation with George Mancini about the union, is that your testimony?

MR. CURLEY: I object to that, Mr. Trial Examiner.

116

There is not a word in the record concerning a conversation with Mr. Mancini.

MR. LEINER: Then I inadvertently may have led him. I'm sorry. I didn't realize this. I now recall I asked did he have a conversation with a supervisor and he answered yes and I thought that I had asked him the intermediate question. Apparently I had not. I apologize.

Q Well, was it with Mr. Mancini that you had the conversation?

A Yes.

Q Would you tell the Trial Examiner when this was?

A It was after Christmas, I believe.

Q How long after Christmas?

A Two or three months.

Q Would you tell the Trial Examiner where you had the conversation with him?

A I was working at my machine when Mr. Mancini approached me.

Q What did he say to you?

A He asked me how was the job going. I told him it was going well. And conversation ensued where he informed me that he was at one time an officer in a union, either a secretary or a treasurer in a union and he pointed out to me that unions were corrupt and gangsters.

Q Did you ever attend any meetings of the machine shop

117

at which Mr. Mancini addressed the entire machine shop?

A Yes.

Q When were these -- was this more than one meeting?

A There were two.

Q Do you recall when the first one was?

A I would say about two to three months before I was laid off.

Q Do you remember when the second one was?

A About a month following that. Three weeks following it.

Q Who was at this first meeting?

A All the employees of the shop.

Q Where did it take place?

A In the shop floor.

Q Was there work going on in the plant at the time of the meeting?

A No, it was after working hours. After regular working hours.

Q What time of the day did it occur, this first one?

MR. CURLEY: Mr. Trial Examiner, the witness has answered the question.

TRIAL EXAMINER: Go ahead, please.

Q WCat time of the day did this occur, this first meeting?

A At quitting time.

118

Q What time was that?

A That was at 4:30.

Q Is that 4:30 in the afternoon?

A Yes, sir.

Q What did Mr. Mancini say at this first meeting of all the machine shop employees?

A He was telling us about the work contracts that were coming in, about the new contracts that were coming by the government.

Q Do you recall anything else he said at this first speech that he gave?

A He said that there would be enough work for two years, the following two years.

TRIAL EXAMINER: Who said this, Mancini?

THE WITNESS: Mr. George Mancini.

Q Do you remember anything else he said at that time?

A Not at the first speech, no.

Q What did he say at the second speech then?

A He told us that the contract had definitely been signed. I believe that the figure was 186 or 106 ship contract plus spare parts and that a minimum of two years' work was assured.

Q Do you recall anything else he said at that time?

A No, I don't.

Q Mr. Kargauer -- withdrawn.

119

Mr. Kargauer, you were terminated on the 29th of June.

At the time you were terminated, would you describe to the Trial Examiner what the condition was with regard to work on hand in the machine shop that you saw?

A There were pallets all over the machine shop with parts to be machined.

Q What are pallets, Mr. Kargauer?

A Flat wooden plates that the forklift can manipulate the parts around and parts are piled on top of it. Either in cases or just piled one on the other.

Q Did you notice that the work on hand was abnormally large or small or ordinary?

A It was at the largest point that I have ever seen.

Q Mr. Kargauer, at the time you were terminated, would you tell the Trial Examiner what occurred?

A I was working at my machine in the afternoon, directly after lunch when Joe Hans came over to me and told me that George Mancini wanted to see me.

I walked over to George Mancini and he told me to get upstairs into what was our lunch area.

When I went upstairs, I was told that I was being let go because of shortage of work and it was not because of the type of work that I did or that my work was not up to standard.

120 Q Who told you that?

A One of the personnel men.

Q Did you know his name?

A No, I do not.

Q Was anybody else up in that area with you when you spoke to the personnel man?

A No. There were several personnel men and one security man.

Q Mr. Kargauer, were there any other machine shop employees or milling machinists who were hired after you were, who remained in the employ of the company at the time you were terminated?

A Yes.

Q Do you remember their names?

A They were too new. I didn't know them that well.

Q Do you have any recollection about when they were hired?

A I would say two to three months before the termination.

Q Did any supervisor or leadman of the company ever ask you for a copy of any union literature?

MR. CURLEY: I object to this, Mr. Trial Examiner. This is again leading.

MR. LEINER: It is a preliminary question.

TRIAL EXAMINER: Answer the question.

121

A They have never asked me but they were on my bench and George Mancini had picked it up several times off my bench and read it, put it back down.

MR. LEINER: I have no further questions.

Q (By Mr. Rubenstein) Mr. Kargauer, who is Joe Hans?

A Joe Hans was made leadman while I was in the employ.

Q As Leadman, what were his duties or what was he --

TRIAL EXAMINER: Why are you inquiring into that? All Hans has done is sent Mr. Kargauer on a certain day to Mr. Mancini.

Do you have anything new on that?

MR. RUBENSTEIN: I have a couple questions, Mr. Examiner, if you don't mind.

Q Mr. Kargauer, did you ever hear the expression, Walter better watch his step?

A Yes.

MR. CURLEY: Mr. Trial Examiner, must we have this leading again?

Q Can you tell us -- sorry.

MR. CURLEY: May we have a ruling, Mr. Trial Examiner?

TRIAL EXAMINER: Yes, it is leading. I agree with you. The damage isdone as far as I am concerned.

Q Can you tell us where and when you heard that expression?

141

TRIAL EXAMINER: Will you fellows let me run my hearing myself?

When I say fellows, I say it in a very good-natured way and that includes us fellows, too, Mr. Reporter.

Mark it in evidence as General Counsel's 46.

(The document heretofore marked R-13 for identification, was received in evidence as General Counsel's Exhibit No. 46.)

MR. RUBENSTEIN: I'm not going to ask any questions, Mr. Examiner.

MR. LEINER: May I excuse the witness, Mr. Examiner?

TRIAL EXAMINER: No, just a second.

MR. LEINER: Thank you.

TRIAL EXAMINER: Do you know a man named Manico?

THE WITNESS: Jim Manico?

TRIAL EXAMINER: Yes.

THE WITNESS: Yes, sir.

TRIAL EXAMINER: Do you know his job at the plant?

THE WITNESS: I know he was transferred to nights and whether he was a leadman or a foreman, I do not know.

TRIAL EXAMINER: Thank you, sir.

(Witness excused.)

WILLIAM FLUELLEN

a witness called by and on behalf of the General Counsel,

142

being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q Mr. Fluellen, would you spell your last name for the record?

A F-l-u-e-l-l-e-n.

Q And your first name, sir?

A William.

Q Mr. Fluellen, are you sometimes called Bill?

A Yes.

Q Where do you reside?

A 145 Frederick Avenue, Babylon.

Q Is that in Long Island?

A Long Island.

Q Would you please keep your voice up loud, please? When were you first hired by the company?

A I think it was October 28th.

Q What year?

A '63.

Q What was your job when you were hired?

A I was working in the blade department, contour.

Q When were you terminated? Do you remember?

A It was towards the end of June.

Q 1964?

A '64.

143

Q Did you work at all times in the blade shop?

A Yes.

Q Did you work at all times in the contouring department?

A Yes.

Q What is the contouring department, Mr. Fluellen?

A It is the shaping of the blades to specific dimensions.

Q Did you know Martin Pipia?

A Yes.

Q Did you know Damato?'

A Yes.

Q Did you know Bill Dennis?

A Yes.

MR. LEINER: Would you mark this as GC-47, please?

(Thereupon the document above referred to was marked General Counsel's Exhibit No. 47 for identification.)

Q (By Mr. Leiner) Mr. Fluellen, I show you General Counsel's Exhibit 47 for identification and I ask you to tell the Trial Examiner what it is.

A Application -- union card.

Q Dwd you sign that card?

A Yes.

MR. LEINER: I offer it in evidence, Mr. Examiner.

144

The date on that is 3-13-64.

Mr. Curley, I show you General Counsel's 47 for identification.

MR. CURLEY: I object to this for the same reason advanced atthe time of the introduction of the other union cards.

TRIAL EXAMINER: Please mark General Counsel's Exhibit 47 in evidence, Mr. Reporter, over objection of the respondent.

(The document heretofore marked General Counsel's Exhibit No. 47 for identification, was received in evidence.)

Q Did you ever attend any union meetings?

A One.

Q When was that?

A I think it was June 3rd.

Q Do you recall the circumstances of how you got to the union meeting? How did you know about it?

A Cards were handed out at the gate by the union.

Q You testified that you know Bill Dennis?

A Yes, I do.

Q Did you ever overhear a conversation between Dennis and another person?

A Yes, I did.

MR. CURLEY: Mr. Trial Examiner --

145

MR. LEINER: I just said did he overhear a conversation.

MR. CURLEY: The pattern is so clear now. Either Mr. Leiner is just flagrantly abusing and ignoring every directive you have issued on this point -

MR. LEINER: May I be heard, Mr. Examiner?

TRIAL EXAMINER: Yes, but it seems to me --

MR. LEINER: No, just read back the question. The question did not mention anything of a leading nature. It just named somebody. It didn't say what the conversation was about.

TRIAL EXAMINER: It said did you ever overhear any conversations of Bill Dennis.

TRIAL EXAMINER: Will you answer the question,please?

Q Would you answer the question, please?

A Yes, I did hear one conversation between Dennisand a fellow by the name of Herb. His last name I don't recall.

Q When was this conversation, do you recall?

A I think it was sometime after the union meeting. Maybe June or July. Sometime in June. Sometimes in the middle of June.

Q To the best of your recollection, tell the Trial Examiner what the words were that you overheard?

A Dennis was standing in the doorway and he was speaking

146

to somebody, I didn't know who it was. He said, "I hope you're not one of them, Herb."

Q Did you hear any other part of the conversation?

A No. That was it. Because at that time I was going up to Dennis to ask him for laminates for the shoulders.

Q And that's all you heard of the conversation?

A That's all I heard.

Q You were terminated on June 29th, I believe?

TRIAL EXAMINER: Are you going to make any effort to further identify Herb?

MR. LEINER: Yes, I will.

Q Were you-- Do you know who Herb is?

A He worked in the blade department. His last name I can't recall.

Q Did you know anything more about Herb?

A Well, he was a friend of Dennis'. I mean you might say --

Q How did you know he was a friend of Dennis'?

MR. CURLEY: Mr. Trial Examiner, we are now wasting time.

TRIAL EXAMINER: No, we are not. Sit down, please.

A Every Thursday or Friday night, they used to have a little get together over at one of the inns in Smithtown.

Q Who is "they used to have a get together"?

A Well, a group of the fellows.

147

Q Who?

A Well, Herb was one of them. Dennis was another.

Q Who else?

A Bob Southway, I think. He is a leadman in autoclave department.

Q Is that in the blade department?

A Yes, that's part of the blade department.

Q And Herb was one of them?

A Yes.

Q To the best of your knowledge and recollection, you have testified as to the conversation that you overheard?

A That's to the best of my knowledge.

Q As I was saying, you were terminated on the 29th?

A Yes, sir.

Q Will you tell the Trial Examiner the circumstances of how you were terminated?

A It was sometime in the afternoon, I'd say about -- it was just before break time. About two o'clock. Al Morel tapped me on the shoulder and said they wanted me upstairs. And myself and two other fellows, Carl Schmidt was one ofthem, and another fellow by the name of Gus. We had to go upstairs and --

Q Was Gus a blade shop employee?

A Yes, the three of us were blade shop.

Q Schmidt, yourself and Gus?

148

A Yes.

Q Do you know Gus' last name?

A No, I don't.

Q All right.

A And we went upstairs. They took us into a little room and there was the two personnel men. They said we were terminated.

Q Who were the personnel men? Do you know their names?

A One is a Polish name. It sounds like Segowski.

Q What is the other one, do you recall it?

A No, I don't.

Q Did you ask them why you were being terminated or did --

A I asked especially why I was being terminated and they said it was lack of work.

Q At the time that you were in the blade department on or about the 29th day of June, would you tell the Trial Examiner what the condition of work flowing past your bench was?

A There was a lot of work. There was a lot of work in the whole shop. The whole blade shop. In fact, three fellows were transferred from the machine shop down to the blade shop that morning.

Q What were their names, do youknow?

149

A No, I didn't.

Q Did you know that they were from the machine shop?

A Yes, because the one fellow, he was introduced around and I forgot his name, he was a gray-haired fellow about 60, maybe 55. And he had told me that he just came down from the machine shop. And there were three of them altogether. One took my place in contouring. One went into routing room. And the other went over into Al Morel's department to run a milling machine. And that was about it for the morning, but there was plenty of work.

Q I am not sure that I understood.

When did these men come from the machine shop down to the blade department?

A That would be the morning of the day that I got fired.

TRIAL EXAMINER: The same day.

Q Did any supervisor of yours or any leadman ever tell you that your work was no good?

A No, I never had any complaints about my work. Dennis never said a word to me about the work.

Q Or any of your leadmen?

A No.

Q Who was your leadman?

A Don Karmel.

Q Did you ever discuss anything about the union with

150

him?

A One time --

MR. CURLEY: Mr. Trial Examiner, this is again leading.

TRIAL EXAMINER: I'll let it in.

A One time, soon after I got there, maybe about two months after I went to work at Gyrodyne, the union was out front handing out cards and I came into the shop and I noticed Mr. Karmel and I was talking to him and I said, "You got the union knocking at the door."

He said, "Yes." He said, "It is a good idea." He said, "The last time the old man gave us a raise." "And he did pretty good according to what he was speaking about as far as raise." And he was hoping the same thing would happen again.

Q Now, did you attend any of Mr. Papadakos' speeches?

A Yes, both of them.

Q Do you remember when they were?

A I think they were in June.

Q How long before you were terminated were they?

A Oh, maybe about a week, a week and a half at the very most.

Q There were two speeches?

A Yes.

Q Did you attend both, did you say?

151

A Yes, I attended both.

Q How much notice did you have of attending the first one?

A I guess it was less than an hour.

Q Who told you about it?

A Our leadman, Karmel.

Q About the second one, who told you to go to that one?

A Well, Papadakos said at the close of the first meeting that there might be a meeting the following day.

Q Do you remember what Mr. Papadakos said at the first meeting?

A Well, not all of it but parts of it that stuck in my mind, especia-ly that he had plent of work and they were making a profit. And they had handed out a bonus to the leadmen and they were expecting to do the same thing to everybody the following year. They were expanding and they hoped to bring in a lot of work that was subcontracted out.

MR. LEINER: I have no further questions, Mr. Examiner.

TRIAL EXAMINER: Mr. Rubenstein?

MR. RUBENSTEIN: I am abstaining from asking any questions.

CROSS-EXAMINATION

153 alongside of it. And the doorway faced the railroad tracks. And I was coming up to Dennis to ask him for laminates for the shoulders. And I'd say I was maybe twn feet away from him when I heard this remark and then as I got closer, it faded out. It was terminated.

Q Did you hear the whole remark?

A Well, the whole remark that I heard then was, like I say, "I hope you're not one of them, Herb."

Q And you heard nothing before that?

A Nothing before and nothing after.

Q When you had your conversation with Karmel, Karmel thought it was a good idea for the union to be around, is that right?

A Yes, he thought it was a good idea for them to knocking on the door.

Q He didn't ask you whether you were a union member, did he?

A He never did.

Q And you didn't tell him?

A No.

Q You didn't indicate any interest in the union at that time to him, did you?

A No, I did not.

Q Where did you sign your union card, Mr. Fluellen?

A In the parking lot, if you want to be specific.

156

voice, we'll say his manner of speaking changed. I can't give you a specific thing of what he said but there seemed to be some undertone.

TRIAL EXAMINER: You are excused.

(Witness excused.)

MICHAEL J. PETRALIA

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Mr. Petralia, would you state your full name for the record, please?

A Michael J. Petralia.

Q Where do you reside, Mr. Petralia?

A 130 West Shore Drive, Massapequa.

Q Is that in Long Island?

A Long Island.

Q Mr. Petralia, when were you first hired bythe company?

A October '63.

Q And what job were you hired at?

A Avionics inspector.

Q When were you terminated?

A June 29, 1964.

Q WLat job were you doing then?

157

A Same thing, avionics inspector.

MR. LEINER: Would you kindly mark this as General Counsel's 48 for identification?

(Thereupon the document above referred to was marked General Counsel's Exhibit No. 48 for identification.)

Q (By Mr. Leiner) Mr. Petralia, I show you General Counsel's 48 for identification and I ask you to tell the Trial Examiner what it is, if you can.

A This is the card I signed for the authorization for UAW representation.

MR. LEINER: Thank you.

I offer it in evidence, Mr. Examiner.

I show it now to Mr. Curley of the respondent.

MR. CURLEY: Same objection,Mr. Trial Examiner, as advanced for the introduction of other cards.

What is the date on that?

MR. LEINER: 1-30-64.

TRIAL EXAMINER: General Counsel's Exhibit 48 is received in evidence over objection of the respondent.

(The document heretofore marked General Counsel's Exhibit 48 for identification was received in evidence.)

Q (By Mr. Leiner) Did you attend any union meetings?

A No, I didn't.

Q Did you have any conversations with any leadmen or

158 supervisors in your department with regard to the union?

A With the leadmen.

Q When was this?

A Around March or April, May of '64, through that time.

Q Who did you have the conversations with?

A Mostly with Beltran and Cook. Mostly with Cook.

Q Did you ever have any conversations with Mr.Sullivan?

A Never.

MR. CURLEY: I object to that, Mr. Trial Examiner. He is again leading the witness.

TRIAL EXAMINER: Oh, what difference does it make? Did you talk to Sullivan at any time?

THE WITNESS: Not directly concerning the union, no.

Q Will you tell the Trial Examiner what the conversations were between you and Cook or Beltran, and specify with whom you had the conversation, were it occurred. And when it occurred.

A Well, mostly with Cook because Cook would ask me if I signed a card.

Q What did you tell them?

A I told them I did.

Q Were was this conversation?

A In the plant.

Q Where?

161

Q You told him that you signed a card?

A I told him I had signed.

Q Did he say anything else at that time?

A He asked me if I -- asked me if I handed out any cards or if anybody else had signed.

Q What did you tellhim?

A I told him I didn't know who signed cards.

Q In fact, had you known anybody whosigned cards?

A Yes, but I wouldn't tell him.

Q Did Mr. Cook ask you anything else?

A After there was -- usually the morning after or the day after a meeting was to be held, a union meeting, he would sometimes ask me had I gone or did I know of any people that had gone.

Q What did you tell him?

A I didn't go to any and I didn't tell him if -- I told him I didn't know who had gone. I didn't know.

Q Did you know who had gone?

A I don't remember actually, no.

Q Did you ever attend any meetings of company-- of the company personnel at which Mr. Papadakos spoke?

A Yes.

Q How many meetings were there?

A Two.

Q Do you remember when they were?

162

A I believe they were in June.

Q Of what year?

A '64.

Q Do you remember what he said?

A That there was -- he had given us his background, how the plant was developed, the work, and how they got the design of the helicopter and everything and how much work we had, like I think we had work for two more years at the rpesent rate, they were producing helicopters.

Q Do you remember anything else he said?

A We paid for our own medical, I think it was a dollar a week. And I think it was the second meeting or first -- well, one of them -- he said the company would now pick up the tab for the dollar a week insurance, medical insurance.

Q You were laid off on what day?

A The 29th, I believe.

Q Now, at the time you were terminated, at or about the time you were terminated, did you observe the amount of work that was in the shop, in the avionics electronic shop?

A There wasn't any slack period. It wasn't any slower than usual.

Q Did you have jobs scheduled, was there work on hand?

163

A I was working. I had steady work.

Q Will you tell the Trial Examiner what happened on your lay off?

A On my what?

Q On your lay off, termination, on the 29th.

A I was just told by the supervisor, it was in the late afternoon a few minutes before quitting time, to go upstairs where the offices were or desks. There were two people there from personnel, I believe.

Q Do you remember who they were?

A One fellow, I didn't know his name. The other fellow is Wiskowski, something like that. And they told us there was a -- due to reduction in costs, we were being laid off.

Q Mr. Petralia, you mentioned the name Cook before. Would you tell us what he did in the company?

A He was one of the two leadmen.

Q Who was the other leadman?

A Al Beltran.

Q What did Mr. Cook do?

A He assigned the work. He helped with any technical problem you might have, if you ran into trouble. He assigned the work. He told you to clean up if the area needed cleaning up. That's about it. Leadman.

Q Did he do anything else that you can recall?

164

A I think he signed -- he might have signed -- not signed the time sheets. He sort of collected the time sheets and looked at them and, you know, charged the right code for the job. Mostly assigned the work. You went to him and said, "What am I doing today?"

He said, "Do this or do this." You know.

Q Mr. Petralia, do you recall any occasion prior to the time you were terminated, that any supervisor or supervisors were interested in the gripes of the employees in the avionics department?

TRIAL EXAMINER: I didn't understand that. I'm sorry.

MR. LEINER: Could you read it back, Mr. Reporter?

(The record read by the reporter.)

TRIAL EXAMINER: Do you know what that means?

THE WITNESS: Yes.

TRIAL EXAMINER: All right. Answer it, please.

A After the meeting --

Q What meeting?

A After the talk that Papadakos held, either the first or the second, I don't remember, Mr. Sullivan, our supervisor had come around and he asked us if we had any particular beefs or gripes or any constructive criticism possibly about the way our department was run in general, our feelings within the department.

165

Q Had he ever come down and asked about that before?

A No.

Q Had any other supervisor or leadman asked about it before?

A No. Well, I had no other supervisor. I think while he was doing this, within the department, while Sullivan was asking this within the department, I think about the same time period I think the lead men were also getting a small group together because it was a pretty big group.

Q You said leadmen were doing the same thing as Mr. Sullivan?

A Yes.

Q Which leadmen?

A Beltran and Cook.

Q What were they doing?

A I think -- I don't remember correctly --

MR.CURLEY: Mr. Trial Examiner, I object to the witness' thoughts.

Q What did you see them do?

A As I recall, I think Cook had asked his own little you know, little group of men if we had any complaints or thoughts concerning --

TRIAL EXAMINER: Mr. Petralia, you have been using this word "I think" which won't do for this sort of thing.

Mr. Curley, do you have any cross-examination?

CROSS-EXAMINATION

Q (By Mr. Curley) Mr. Petralia, did you sign an affidavit or affidavits for anybody connected with the National Labor Relations' Board?

A I made a statement to Mr. Leiner.

Q One or two statements?

A One.

Q Were you shown any other statements of any other employee or ex-employee of Gyrodyne?

A No.

MR. CURLEY: May I call for the production of the statements, Mr. Leiner?

MR. LEINER: May it pleasethe Examiner, counsel for the General Counsel now hands to Mr. Curley the prior statement of Michael Petralia which is in the possession of General Counsel.

MR. CURLEY: May I have a moment, Mr. Trial Examiner, to read this statement?

TRIAL EXAMINER: Take a ten minute recess.

(Short recess.)

TRIAL EXAMINER: On the record.

Q (By Mr. Curley) You testimony is that Mr. Beltran and Mr. Cook were leadmen in the avionics department -- avionics inspection?

175 meeting, correct?

A No, I was going to school at the time.

Q Now, Mr. Cook asked you during the months of March, April and May whether or not you had signed a card, right?

A That's right.

Q And what was your answer to him?

A I told him I had signed a card.

Q How many times did he ask you if you had attended a union meeting?

A Mostly almost every time there was a union meeting. Like the next morning. He would know about the union meeting in advance. He might ask the next morning.

Q TUe first time he asked you whether you had attended a union meeting, what did you say to him?

A I told him I had not.

Q Did he know you were going to school at nights?

A I don't recall whether I told him I was going to school or not.

Q You never had a conversation with him concerning your going to school?

A Not about school or anything like that, no.

Q b.w many union meetings took place after the first time Mr.Cook asked you whether or not you had been at the meeting?

A Well, this is only an estimate. Maybe four, three,

179

MR. CURLEY: I have no more questions, Mr. Trial Examiner.

MR. LEINER: No more questions from the General Counsel. No further questions.

May I withdraw that, Mr. Examiner.?

REDIRECT EXAMINATION

Q (By Mr. Leiner) You testified, I believe, that there were occasions on which Mr. Sullivan was not in the avionics inspection department for a considerable length of time each day, is that true?

A There would be days where you wouldn't see him but maybe once or twice.

Q In the period in which he was not around for long periods of time, did anybody take his place?

A Well, the leadmen always assigned the work. He never would come in and say, "You do that." No one actually sat at his desk to take this place. The leadmen were always there directing the department as far as work load or anything like that.

Q Did you ever go directly to Mr. Sullivan to ask questions about your work?

A No.

Q Who did you go to?

A The leadman.

Q Which leadman?

180

A There were two leadmen. My leadman would be Cook.

Q Did you go to Cook?

A Yes.

Q To ask questions about your work?

A What to do or what to do in case of a problem.

Q Any other reasons you would go to Mr. Cook?

A No.

Q You also testified under cross-examination, I believe, that Mr. Beltran and Mr. Cook did not do inspection work "like we did." That was your testimony, I believe.

What did they do?

I withdraw that.

Did they do any inspection work like you did?

A Our job was to -- we would be given a job, something to inspect or a number of items and to either accept them or reject them according to the specification.

But the only time I actually saw them do any inspection work was in conjunction with say, myself, if I had a problem and they would help me with it.

Q Did they have desks?

A There was one desk.

Q Did they have a phone?

A There was a phone on it.

Q Did they keep any records of employees' work?

181

A Not that I know of.

MR. LEINER: No further questions, Mr. Examiner.

MR. CURLEY: No questions.

TRIAL EXAMINER: You are excused.

(Witness excused.)

MR. CURLEY: Let the record show I am handing back Mr. Petralids statement to Mr. Leiner.

MR. LEINER: May I call the next witness, Mr. Examiner?

TRIAL EXAMINER: Yes.

EDWARD W. HURLEY

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) What is your full name, sir?

A Edward W. Hurley.

Q Where do you reside, Mr. Hurley?

A 34 Cornell Street, East Northport.

Q When were you terminated, do you know?

A June 29, 1964.

Q What was your job when you were hired?

TRIAL EXAMINER: When did you first go to work?

THE WITNESS: October 28, 1963.

Q What was your job when you were hired, Mr. Hurley?

182

A Mechanical inspector.

Q Did you ever change that classification while working for the company?

A No.

Q Where did you work as a mechanical inspector?

A Final inspection.

MR. LEINER: Would you mark this as General Counsel's Exhibit 49, please?

(The document above referred to was marked General Counsel's Exhibit No. 49 for identification.)

Q (By Mr. Leiner) Mr. Hurley, I show you General Counsel's Exhibit 49 for identification and I ask you to identify it for the Trial Examiner, please.

A This is the card I signed and sent into the union.

Q Is that your signature?

A Yes.

MR. LEINER: Mr. Curley, I give you the General Counsel's Exhibit just marked for identification.

MR. CURLEY: I object to the introduction of this in evidence on the same grounds advanced on prior occasions.

MR. LEINER: I offer it.

TRIAL EXAMINER: General Counsel's Exhibit No. 49 is received in evidence over objection.

183

(The document referred to heretofore as General Counsel's Exhibit No. 49 for identification, was received in evidence.)

Q Mr. Hurley, did you discuss that card with any person in the company?

A Not the card.

Q Or the signing of the card?

A There were people knew that I --

Q Who knew?

MR. CURLEY: I move that be stricken, Mr. Trial Examiner.

TRIAL EXAMINER: The question, Mr. Hurley, is whether or not you had any conversation with anyone in the plant regarding this card after you signed it.

A The card itself, no.

Q Did you tell anybody that you signed the card?

A I discussed union --

MR. CURLEY: Mr- Trial Examiner, I again object to leading the witness.

TRIAL EXAMINER: Oh, no, no.

Did you tell anybody or did anyone ask you about your signing this card?

THE WITNESS: I discussed union with some men in the company.

Q Who did you discuss it with?

A Vinnie Reed.

184

Q Who is Vinnie Reed?

A My lead man.

Q Who is Vincent Reed?

A My leadman in the mechanical inspection.

Q What was the discussion and when was it?

A It was prior to my being laid off.

Q When?

A Two weeks before my lay off.

Q What did he say to you and what did you say to him and where did it take place?

A It tookplace in the department.

Q What department?

A Mechanical inspection.

Q Would you tell the Trial Examiner what he said to you and what you said to him?

MR. CURLEY: Mr. Trial Examiner, that is the second time Mr. Leiner has suggested to this witness the flow of conversation.

MR. LEINER: That's true.

TRIAL EXAMINER: Will you answer the question, please, Mr. Witness?

A I asked him if he would be interested in seeing the union in the company and he told me that I better not talk union because if I'm overheard by Frank LoGanza that, you know, it could be serious.

185

TRIAL EXAMINER: Mr. Reporter, will you read that answer to me?

(Record read by the reporter.)

Q Did you ever go to any union meetings, Mr.Hurley?

A Yes.

Q How many?

A Three that I remember.

Q When was the first, when was the second and when was the third?

A The first two were at the Elks Club in Smithtown. They were, I'll say around April. April and May of '64.

Q When was the last one?

A The last one was in June -- roughly a week before I was laid off. It was an open meeting.

Q What do you mean by an open meeting?

A Well, everyone was invited to attend.

Q You were terminated on the 29th of June, is that right?

A Yes.

Q Will you tell the Trial Examiner what happened on that day?

A I was called into a room by -- Frank LoGanza took me into a room where there was Mr. Ward and -

Q Who is Mr. Ward?

A Mr. Ward is a supervisor of inspection. And

186 Mr. Robinnette was there, the personnel man. Mr.Robinnette told me that we're having a lay off in the company and we have to let you go.

Q Did he give you any further reason?

A No. That's all he said.

Q Did Mr. LoGanza ever discuss your work with you?

A Yes, he did.

Q Would you tell the Trial Examiner what he said?

A Mr. LoGanza told me that I was going -- doing good in my work and that I have nothing to worry about.

Q When was this conversation?

A This was at a time when he had to transfer another man in the department because the other man wasn't doing too well.

Q When was this in terms of time?

A In terms of time, I'd say this was about, roughly about a week before I was laid off. He had to transfer a fellow named Joe Wysocki to another inspection department because this man had been - four or five months before the man had been in an acccident and when he came back to work, he was just a little bit slow in doing his work. He couldn't perform as well as what he had before he was in the accident. So he had to transfer him to a department that he could handle better and I was a little worried becuase I t-ought, well, maybe he doesn't like my

187

work either. I thought maybe this was some kind of shake-up coming in the department.

So I asked him how I was doing. He said I was doing very well. He said, "You have nothing to worry about, Ed."

TRIAL EXAMINER: What is the name of the man that was transferred into your department?

THE WITNESS: Out of my department. He was transferred out. He wasn't performing the work very well.

Q At the time you were terminated, Mr. Hurley, do you know whether there were any mechanical inspectors who were not terminated who were hired after you were?

A In receiving inspection, there was one man hired after me. I don't know his name.

Q Do you know what supervisor he worked for?

A He worked under Buddy Hauck.

Q Mr. Hurley, did you attend any speeches given by Mr. Papadakos?

A Yes, I did.

Q How many speeches were there?

A There were two speeches.

Q Do you remember when they were?

A They were around the middle of June.

Q What year?

A '64.

188

Q Do you remember what Mr. Papadakos said inthe first speech?

A Yes, sir.

Q Will you tell the Trial Examiner, Mr. Hurley?

A Mr. Papadaks explained to us how he had started the company and that the -how it had grown every year, that business had doubled up until the last couple of years and then he had a leveling off period of the business and he told us that there was enough work in the company for a minimum of 18 months, possibly twoyears, and we didn't have to worry about our jobs there for that period.

Q Do you remember what he said either in that meeting or the subsequent meeting, anything else that you recall that Mr.Papadakos said?

A Nothing outstanding. Those are the main features I remember.

Q How much notice did you have of either meeting, Mr.Hurley?

A Well, the first meeting I had a very short notice.

Q About how long?

A I'd say a couple of hours at the most. It was very short notice.

Q How about the second meeting?

A The second meeting? The second meeting I knew it was coming up.

189

Q How did you know it was coming up?

A Well, as I remember, I believe he mentioned that there would be another meeting.

Q Who is he?

A Mr. Papadakos.

MR. LEINER: No further questions by General Counsel.

TRIAL EXAMINER: Mr. Rubenstein?

MR. RUBENSTEIN: No questions.

I'm not asking any questions until I talk to my client.

CROSS-EXAMINATION

Q (By Mr. Curley) Mr. Hurley, Mr. Wysocki, after he transferred out of your department, who took his place?

A The inspector that was down in-- he was transferred to a section that received rough castings and the man who he replaced transferred into our department.

Q It was just a switch, right?

A It was a switch. Rough castings is easier to inspect than final.

Q There was no one hired to take Mr. Wysocki's place, as far as you know?

A No.

Q Didyou sign an affidavit or give a statement to the National Labor Relations Board?

A Yes.

190

Q Were you shown anybody else's statement?

A No.

MR. CURLEY: May I see the statement he signed?

MR. LEINER: Mr. Examiner, may the record show, please, that I am handing Mr. Curley the statement of Edward W. Hurley, which was in the possession of the General Counsel?

MR. CURLEY: MayI have a minute, Mr. Trial Examiner?

(Short pause.)

Q (By Mr. Curley) Mr.Hurley, is it a fair statement to say you never told any supervisor or foreman that you signed a card?

A Yes.

Q And no supervisor or foreman ever talked to you about a union, right?

A That's right.

Q How many men did the same kind of work as you in the mechanical inspection department, in final assembly?

A Final inspection.

Q You were a mechanical inspector infinal inspection?

A Right.

Q How many did the same kind of work?

A Sitting in the same room with me there were three other men.

Q Is it a fact that all of these men came to the compan

191

before you did?

A Yes.

MR. CURLEY: I have no further questions.

MR. LEINER: One question, please.

REDIRECT EXAMINATION

Q (By Mr. Leiner) Mr. Hurley, what did Mr. Reed do for his job?

M..CURLEY: Mr. Trial Examiner, this is improper redirect.

TRIAL EXAMINER: I know it is.

I'll permit it.

Q (By Mr. Leiner) What did he do as a job?

A Mr. Reed assigned my work to me and he ran the department where I was.

Q Well, how many employees were in the department where you were?

A There were three in that room that he ran and he also supervised the mechanical inspectors on the floor.

Q What do you mean by ran?

A Well, he would give out the work to the men in the department. When they finished the work, he would give them more work. He assigned work to the inspectors.

Q Did he do anything else?

A Took care of a lot of paper work on the inspection reports.

192

Q What kind of paper work?

A Normal inspection reports.

Q What did he do with them?

A He filed them. We had file cabinets in the department. And the inspection reports had to be kept up to date and he would file them.

Q Did he ever talk to you about any reports that you filed?

A Many times there would be records that had to be gone over on inspection.

Q What would he say when he went over them with you?

MR.CURLEY: Mr. Trial Examiner,he is leading the witness. The witness made no comment to the effect that this man discussed records with the witness.

A He would want to look over my inspection reports to see that they were filled out properly and sometimes I would have - find something wrong with a job and he would have to go over the job with me and determine how we are going to disposition the job.

Q What do you mean by disposition?

A Well, what -- whether a job would be held for re-work or whether a job would be approved and sent through.

MR. LEINER: No further questions, Mr. Examiner.

RECROSS-EXAMINATION

Q (By Mr. Curley) Mr. Hurley, Mr. Reed didn't hire

196

that?

THE WITNESS: After that, it was his responsibility.

Q (By Mr. Curley) He never checked the part you inspected after you turned the report over?

A Sometimes he did if I found a variance from the blueprint.

Q Only if you brought it to his attention, is that correct?

A That's right. If I brought it to his attention.

MR. CURLEY: I have no more questions.

MR. LEINER: No further questions by General Counsel.

TRIAL EXAMINER: Thank you.

(Witness excused.)

MR. CURLEY: May I hand the affidavit of Mr. Hurley back to Mr. Leiner?

MR. LEINER: May I call anotherwitness, Mr. Examiner?

TRIAL EXAMINER: Yes.

FRANK LUPARDO

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Will you state your name for the

197

record, sir?

A My name is Frank Lupardo.

Q Mr.Lupardo, when were you hired by the company?

A October '63.

Q When were you terminated?

A July 1st, 1964.

Q In other words, you were not terminated on June 29th, 1964?

A No.

MR. LEINER: Would you mark this for identification, please, as General Counsel's 50 for identification?

(Thereupon the document above referred to was marked General Counsel's Exhibit No.50 for identification.)

Q I show you General Counsel's 50 for identification, Mr. Lupardo, and I ask you to identify it for the Trial Examiner, please.

A Yes, this is my card.

Q What is it?

A Authorization card.

Q Did you sign this card?

A Yes, I did.

MR. LEINER: I offer it in evidence, Mr. Examiner. I am now showing it to Mr. Curley.

MR.CURLEY: I make the same objection to this card,

198

Mr. Trial Examiner, as I have to all the others.

TRIAL EXAMINER: What is the date shown on that card, please?

MR. LEINER: 2-26-64.

TRIAL EXAMINER: General Counsel's Exhibit 50 will be received over objection.

(The document heretofore marked General Counsel's Exhibit 50 for identification, was received in evidence.)

Q Do you know who -- do you know what the name Al Beltran means?

A Yes.

Q Who is Al Beltran?

A He is a leader. Leadman.

Q Who is Cook?

A He is also a leadman.

Q Where are they leadmen?

A Avionics inspection.

Q Were you employed in the avionics inspection department?

A Yes.

Q Did you ever work in any other department of the company?

A No.

Q Did you ever discuss with any person in the company

MR. LEINER: I am not going to argue your ruling; I confess to you, sir, unless he has established that he spoke to them about the union, I don't know how to ask the next question.

TRIAL EXAMINER: I think so, too.

Go ahead.

MR. CURLEY: May I --

TRIAL EXAMINER: No, you may not.

Q Would you tell the Trial Examiner what you spoke to Mr.-- what the conversation was with Mr. Cook about the union?

A Cook would ask if I had signed a card and I would tell him to get away from me and he did this several times.

Q Did you ever speak to Mr. Beltran about the union?

A Yes, I did.

Q Would you tell the Trial Examiner, please, when was the first time you spoke to Mr. Bletran about the union?

A About the time I signed the card.

Q Did you have conversations with him about the union thereafter?

A Yes, I did.

Q Would you start from the beginning and just tell the Trial Examiner what the conversations were with Mr. Beltran?

A Well, Beltran would approach me, ask me about the

201 union, what do you think about it. Do you think we need a union here.

And I would say yes, we do. And we would go on fromthere. He had taken the company's side and I had taken the union's side and bring up various problems that usually arose. And we would argue about it. That was about it. But we had many talks about the union.

Q Did Mr. Beltran ever tell you about any leadmen's meetings?

A Yes, he did.

Q Would you tell the Trial Examiner when he told you about it?

A I don't remember the exact date but it was before the big meetings.

Q What were the big meetings, Mr. Lupardo?

A The meetings that Papadakos gave.

Q What did Mr. Beltran tell you about the leadmen's meeting or meetings that he had attended?

A Number One, leadmen were not shop personnel but were part of management. And that leadmen --

TRIAL EXAMINER: I haven't heard the last half-dozen questions and answers except in part. I think you have gone into -- I think you have been questioning Mr. Lupardo about meetings of leadmen?

THE WITNESS: Yes.

go up immediately.

That's about what I remember on that.

Q WHat did he say in the second meeting?

TRIAL EXAMINER: Wait a minute. Let's not desert that.

Would you mind reading that answer, please?

(The record was read by the reporter.)

TRIAL EXAMINER: Thank you.

Q What did he say at the second meeting, Mr. Lupardo?

A At the second meeting, he said about the same thing.

Q Who was at the first meeting, do you recall?

A Everybody.

Q How many people is everybody?

A I think about 800 people, about.

Q And who was at the second meeting, Mr. Lupardo?

A Just the shops.

Q Just the shops?

A Yes.

Q Did there come a time, Mr. Lupardo -- withdrwn.

I want you to search your memory, Mr. Lupardo. I know it is a year ago. I want you to search your memory and think what else Mr. Papadakos said at either the first or the second meeting that you can recall now other than that which you have told us about.

A He did mention that - we used to pay a dollar for

insurance. He did mention that he was going to give us the dollar back in our envelope and we would still continue getting the insurance. That was one thing.

And that there would be more to come. He intimated this but I don't recall exactly what - how he put it.

Q Mr. Lupardo, you said something about a wall. Could you tell the Trial Examiner with any greater definition what Mr. Papadakos said about a wall?

A Well, I felt that he was referring to --

MR.CURLEY: I must object.

TRIAL EXAMINER: What did he say?

Q What did he say first?

A He said that a wall would arise between him and the people in the shop, is what he said.

Q Did he mention a condition on which it would arise?

MR. CURLEY: Leading the witness again, Mr.Trial Examiner. I object to it.

TRIAL EXAMINER: Let's see if we can't get ahead here.

Do you know what he meant when he said that?

A Do I know what he meant?

TRIAL EXAMINER: Yes.

THE WITNESS: Yes.

TRIAL EXAMINER: What did he mean?

THE WITNESS: I think he meant if the union came

into the shop, he would get very tough with us.

TRIAL EXAMINER: Yiu said he said if any problems come up, a wall will go up immediately?

THE WITNESS: Yes.

TRIAL EXAMINER: Which you interpret to mean that if the union came in, there would be some difficulty?

THE WITNESS: Yes.

TRIAL EXAMINER: What made you think of a wall in connection with the union?

THE WITNESS: What made me think that?

TRIAL EXAMINER: Yes, how did you connect up a wall with the union on the basis of what he said?

THE WITNESS: Well, I feel that management just simply feels this way about unions. They don't -- they seem to feel that unions bog them down and that they don't have the right to move people around --

TRIAL EXAMINER: Regardless of how you feel and the company feels about unions, how do you connect up those words that were used by Papadakos with the union? What is the connection?

THE WITNESS: The connection, I feel, is that at the time of the meetings, the union or the union meetings that I attended were getting very strong. And that I think Mr. Papadakos knew this and I think he was trying to throw it off.

TRIAL EXAMINER: And you got that impression from the words he used about a wall immediately going up?

THE WITNESS: Yes, sir.

TRIAL EXAMINER: All right.

Q Did there come a time, Mr. Lupardo, that any supervisor or supervisors came among the employees of the avionics inspection department to inquire into the gripes of the department?

A Yes, there was.

Q When was this? Was it before or after the Papadakos speeches?

TRIAL EXAMINER: The name of these men, so the record will have some meaning here. Who was it came around and inquired as to whether or not the men had grievances?

THE WITNESS: Jim Sullivan. Cook and Beltran.

Q Do you know Cook's first name, by the way?

A I have been trying to think of it. I'm not sure of it.

Q Will you tell the Trial Examiner when this occurred?

A I'm not certain of the date.

Q How long before you were terminated did it occur?

A I would say about two weeks before.

Q Will you tell the Trial Examiner what happened with this inquiry? Start from the beginning.

A Well, Cook and Beltran came around and Jim Sullivan

and each took a group and asked the different people did they have any gripes and Jim Sullivan was at the group I was in and we all opened our hearts to him and told him what problems we felt were there and -- well, I just felt at the time he was doing it, he wasn't too sincere about asking it.

Q Why did you feel that?

MR. CURLEY: I object, Mr.Trial Examiner, to the witness' feelings.

Q What did he do that led you to that conclusion, if anything?

A Well, two things. Number One, we mentioned many gripes. He didn't write anything down.

And Number Two, when he summed up the gripes, they weren't the gripes that we were so vehemently against.

Q Did you see Cook and Beltran doing the same thing that Mr. Sullivan was doing in your group?

A Yes.

Q Who did Mr. Cook approach and who did Mr. Beltran approach, do you know?

A No.

Q How many were in each group that they approached, do you know?

A I don't even -- no, I can't say.

Q Now, how many avionics inspectors were in the

department where you worked, if you know, at or about the time that there were lay offs on June 29th?

A I think there were 26.

Q Did there come to your attention on or about the 29th of June that there were lay offs in the avionics inspection department where you worked?

A Yes.

Q Would you tell the Trial Examiner in your own words what happened, starting June 29th, 1964, in the avionics inspection department with regard to the lay off of personnel?

A The men were called upstairs one at a time and were laid off.

Q Well, would you answer --

A In almost seniority order.

Q Let met ask you a question.

Who had the least seniority of any avionics inspection employee that you know?

A I did.

Q Who?

A I did.

Q Would you continue, Mr. Lupardo?

A Well, they were called up. They were laid off and they were laid off immediately. They just left the building, and that was it.

MR. CURLEY: Mr. Trial Examiner, this witness is very evidently testifying to things he didn't know and didn't witness.

TRIAL EXAMINER: Go ahead.

Q You were not laid off on the 29th, were you; is that your testimony?

A That's right.

Q Will you tell the Trial Examiner what happened on the 29th?

A Well, after the lay offs in our department, Jim Sullivan and Al Beltran and Cook came down and Sullivan mentioned to everybody that it is all over, take it easy, tomorrow we will all be feeling much better.

And then Beltran passed by me and he put his arm around me and he says, "I saved you," and he moved on. And then -- shall I continue?

Q Just continue. Keep your voice up, please.

A Well, then, the next day we were called up to the office one at a time.

Q Who was in the office, Mr. Lupardo?

A Jim Sullivan.

Q Anybody else?

A Nobody with me.

Q Go ahead.

A And we were given raises.

Q How much were you given as a raise?

A 15 cents an hour.

Q Was this the first raise you had received, do you recall?

A I don't know.

Q What was your rate of pay when you first entered the company?

A $3 an hour. Okay. That was the second raise I had received.

Q It was the second raise?

A Yes.

Q When was the first raise?

A I think it was two months after I was hired.

Q And this was the second raise you received?

A Yes.

Q Now, did it come to your attention that other employees had received -- other employees in the avionics inspection department had received raises at the same time as you did?

A Yes.

Q All of them?

A Yes.

Q You said you were terminated when, Mr. Lupardo?

A July 1st.

TRIAL EXAMINER: July 1st or 3rd?

THE WITNESS: July 1st.

Q Will you tellthe Trial Examiner what happened on that day?

A On July 1st, Jim Sullivan came up to me and told me that he wanted me in the personnel department.

I went into the personnel department and they had my checks ready and everything and I got laid off.

Q Did you have a conversation with anybody in that room?

A Yes, I did.

Q Who did you speak to?

A I spoke with the personnel man and I asked him --

Q Who is the personnel man, do you remember his name?

A Sorry, I don't remember his name.

Q Was anybody else there besides the personnel man?

A Jim Sullivan.

Q Will you tell the Trial Examiner what the conversation was?

A I asked him why I was beinglaid off and he said, "Well, we reviewed our records and we have to cut back one more, sorry." That was it.

Q And what happened then?

A And then they escorted me back to the department to pick up my tools and clothes and then out the gate.

Q Mr. Lupardo, did you ever attend a union meeting?

A Yes, I did.

Q How many?

A All of them after I signed the card.

Q When was the last one that you attended?

A I think it was the week before I got laid off.

MR. LEINER: No further questions by General Counsel, Mr. Examiner.

TRIAL EXAMINER: Mr. Rubenstein?

MR. RUBENSTEIN: No questions.

I am not asking any questions.

CROSS_EXAMINATION

Q (By Mr. Curley) Mr. Lupardo, how many union meetings did you attend in all, to the best of your recollection?

A I would say about five or six, at least.

Q And to your knowledge, these were all that were held by the union from February 26th until the time you were terminated, you were laid off?

A Yes.

Q Did you sign a statement for the National Labor Relations Board?

A Yes.

Q How many did you sign?

A How many?

Q Yes.

A I signed every page of a statement.

Q Was there just one statement or two statements?

A One statement.

MR. CURLEY: May I see the statement, Mr.Leiner?

MR. LEINER: May it please the Examiner, the General Counsel now hands to Mr. Curley of the respondent statement of Frank Lupardo, which was in the possession of General Counsel.

MR. CURLEY: May I have a minute, Mr. Trial Examiner?

TRIAL EXAMINER: Take a five-minute recess.

(Short recess.)

TRIAL EXAMINER: On the record.

MR. LEINER: Mr. Examiner, prior to the cross, I saw I had one question. May I ask it?

TRIAL EXAMINER: Yes.

Q (By Mr. Leiner) Mr. Lupardo, at the Papadakos speeches in June of 1964, did you observe anybody doing anything at the speeches which would relate to making a memorandum of the speeches or otherwise?

A Yes, I did.

Q Would you tell the Trial Examiner what you saw?

A Well, I sat in the front of the room right in back of a stenographer, two of them. There was one on either side of the room.

Q What were they doing?

Did you see what they were doing?

A They were typing away like this fellow.

Q They were typing away like what?

A Like this fellow here.

Q Like what? Like the reporter?

A Yes.

Q Were they using a machine similar to his?

A It looked like it, yes.

Q Both of them?

A Yes.

Q Were they male or female, these persons doing it?

A Both male.

Q They were sitting in the front row?

A Yes.

MR. LEINER: No further questions.

CROSS-EXAMINATION (Resumed)

Q (By Mr. Curley) You never told any supervisor or leadman at Gyrodyne that you had signed a union card, did you?

A No, I did not.

Q Will you tell me what some of the gripes were that were presented to Mr. Sullivan at the time you were asked for them?

A Well, one gripe was when merit reviews would come about, how much they were, having equal amount of salary;

there would be layoffs in avionics inspection?

A There wasn't any rumor that I know of.

Q Isn't it a fact that work was falling off in the department?

A No.

Q You were friendly with Mr. Beltran, is that right?

A Yes.

Q You weren't as friendly with Cook, were you?

A No.

Q You didn't get along with Cook, is that right?

A I got along with Cook.

Q You got along much better with Mr. Beltran?

A Yes, I did.

Q When he came down from Mr. Sullivan's office on June 29th, can you tell me the exact words he said to you?

A He said, "I saved you."

Q Did he use the word, "I think."

A No, he said "I saved you."

Q Nevertheless, two days later you were laid off?

A THat's right.

Q When Mr. Cook asked you whether you had signed a union card, was that question asked of you after you had signed the card?

A Yes, it was.

Q What was your answer again?

P R O C E E D I N G S

TRIAL EXAMINER: On the record.

LEWIS E. URBAN

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Will you state your name for the record, sir?

A Lewis E. Urban.

Q Spell your last name, please.

A U-r-b-a-n.

Q Where do you reside, Mr. Urban?

A 2152 Dofena Lane, East Meadow, Long Island, New York.

Q By whom are you employed, Mr. Urban?

A I am employed by the International Union, United Automobile,Aerospace and Agricultural Implement Workers of America, UAW, AFL-CIO.

Q And out of what office do you work?

A I work principally -- I think we all work out of the Detroit Office. I am assigned to REgion 9A in New York City.

Q What is your title?

A I am an international representative.

Q Did you commence organizing among the employees of

the Gyrodyne Company of America on behalf of the union?

A Yes, sir.

Q When did you first start?

A In January, 1963.

Q Was the organizational effort starting in January '63 always the same in intensity thereafter?

MR. LYONS: I object to this, your Honor.

TRIAL EXAMINER: It does call for a conclusion.

MR. LEINER: I'll withdraw the question.

Q Mr. Urban, would you describe the organizational efforts among the employees that the union made commencing in January of 1963?

MR. LYONS: I object to this as irrelevant, immaterial and incompetent.

TRIAL EXAMINER: Overruled.

A Well, to start the thing, we received a telephone call from an employee. At this time, I don't recall whether he left a name or just called on some of the problems and asked us if we would come out --

MR. LYONS: I object to any conversations with any phone calls. Not binding upon the respondent herein.

TRIAL EXAMINER: Yes, as a result of that phone call.

A As a result of that phone call, we went out and passed our first leaflet at the gate at the Gyrodyne plant.

Q Did you from thereafter, from time to time, pass out leaflets during the year 1963?

A Yes, sir, we did.

Q Did you pass out leaflets thereafter in the year 1964?

A Yes,sir, we did.

MR. LEINER: Would you mark for identification, Mr. Reporter, the following documents as General Counsel's Exhibits 51 for identification in the following sub-parts? A,B,C,D,E,F,G,H,I,J,K,L,M,N,O,P,Q,R,S,T,U,V,W,X,Y,Z,AA,BB.

(Thereupon the documents above referred to were marked General Counsel's Exhibits 51A-51AA for identification.)

MR. LEINER: Mr. Examiner, may I state that what had been previously requested to be marked 51A through 51BB, is now marked 51A through merely AA. There is, however, 51D and also 51D-1, which makes up for the otherwise unaccounted for identification.

Q Mr. Urban, I show you General Counsel's 51A through 51AA for identification and I ask you to look at each one carefully and then tell the Trial Examiner what the exhibit is and its sub-parts.

MR. LYONS: In view of the question just asked and the voluminous amount of the records that are being consulted by the witness, I imagine they are being asked for purpose of introducing them into evidence, and if they

A The next one is 51-C, leaflet distributed by me at the plant gage on March 5, 1964.

Q 51-D is another leaflet distributed by you --

MR. LYONS: I wonder if I can shorten this up, if Mr. Urban were asked, he would testify that these were either given out or nailed, given out openly. I concede that the company was aware that they were given out. All that might be germane here is the number of them and the dates between which they were given out.

I imagine this is going to run into some 50 or 60 leaflets there.

MR. LEINER: 27 leaflets.

TRIAL EXAMINER: Will you accept that --

MR. LEINER: I will accept the fact --

TRIAL EXAMINER: Will you accept --

MR. LEINER: I would have to hear it again, Mr. Examiner.

TRIAL EXAMINER: Would you read it, Mr. Reporter?

(The record was read by the reporter.)

MR. LEINER: If he will just change between to on, I will accept it.

TRIAL EXAMINER: Does each one of these leaflets show the date on which it was distributed or mailed?

MR. LEINER: The giveaways that were distributed at the gate shows the date on which they were distributed.

what Mr. Urban has told me. He has no clear recollection of the exact number.

MR. LYONS: I don't know what mailing was done.

TRIAL EXAMINER: We seem to be over that obstacle.

Q (By Mr. Leiner) Mr. Urban, I renew my question of before. Is there any difference between the type of meetings that occurred prior to June 1st, 1964 and after June 1st, 1964?

A There was, yes.

Q Would you tell the Trial Examiner what kind of meetings occurred prior to June '64, among the employees who were solicited by the union?

MR. LYONS: I object to the question as not binding on this respondent.

TRIAL EXAMINER: Well, it is just the type and kind of meeting which I'm sure I don't know.

What does that mean?

A What it means, prior to June, meetings were held with individuals, many meetings were held with individual card-signers and so forth prior to the meetings that were held in June.

Q What happened in June of '64?

MR. LYONS: I object.

TRIAL EXAMINER: Do you mean individual groups of employees? You don't hold a meeting with one person

generally in the sense of the word in union organization.

Do you mean that prior to June 30th, 1964 --

MR. LEINER: June 1, sir.

TRIAL EXAMINER: June 1, that you simply talked to individuals about the union?

THE WITNESS: I talked to individuals but also we had meetings of card signers. We had some meetings at the Elks Club in Smithtown. We had some meetings in Murphy's Bar on 25A in Smithtown.

TRIAL EXAMINER: In other words, they were restricted to card signers?

THE WITNESS: Yes. Right.

Q What happened after June 1, 1964?

A After June -- on June 3, 1964, we called for -- put out a leaflet for our first open meeting, inviting any one who was an employee under the production and maintenance workers to attend a meeting after work.

Q When did you put out the leaflet?

A The leaflet was put out, I think either on or about, I'd say, a week prior to the meeting.

Q Did you hold the meeting on June 3rd?

A We did, sir.

Q How many people attended?

MR. LYONS: I object to the question. I object to this entire line of questioning and this switch here of a

TRIAL EXAMINER: If that's all, all right. I'll let it stand.

Q Mr. Urban, will you answer the last question?

How many employees came to the June 3rd meeting?

A Well, I would say at this time my closest recollection is between 20 and 30.

Q Employees?

A Employees.

Q Did you keep a record of the names of the people who came?

A I did not and I still do not keep records.

MR. LYONS: May I have the last three questions and answers read here?

TRIAL EXAMINER: The last several?

MR. LYONS: Yes, please.

(The record was read by the reporter.)

Q Mr. Urban, do -- did you have another open meeting?

A Yes, we did.

Q When was that?

A On June 17th.

Q Did you pass out pamphlets prior to that date?

A We did.

Q When did you pass out the pamphlets?

A I would say about a week prior to the meeting, on or about.

Q Was it advertised as an open meeting?

A Yes, sir.

Q About how many employees attended that meeting?

A My closest recollection at this time I would say around 15.

Q About 15?

A Yes.

Q You testified that you don't keep records of people who come to meetings, is that right?

A No, we don't.

Q Did you hold an open meeting thereafter?

A Yes. We had another open meeting on June 17th -- no, the 24th. A week later. Sorry.

Q And how many employees attended that?

A I would say about eight or ten.

MR. LEINER: No further questions.

MR. LYONS: I hate to ask you any questions, Lew.

THE WITNESS: I wish you would because there are 30 people involved here.

TRIAL EXAMINER: Mr. Rubenstein, are you participating in the questioning this morning?

MR. RUBENSTEIN: No. I have no questions of this witness.

CROSS-EXAMINATION

Q (By Mr. Lyons) Did you get any cards signed at the

A If it states vacation, it must have been.

Q THat's what I agree on. Do you know any reason why this letter was left out of the exhibit that was offered this morning and is now marked as 51A?

A Probably for the same reason that General Counsel spoke about because it didn't have a date on it.

Q It wasn't left out because of the statement "Shake off your apathy and stop thinking that the raw deals and firing will always happen to the other guys only."

It wasn't left out for the reason that there was apathy as far as your drive was concerned and you weren't getting anywhere with it and you didn't want that known here so you left this letter out?

A No, sir. I did not. I didn't even know the letter was out.

Q Do you remember when the letter went out that there were the words in it, "Shake off your apathy and stop thinking that the raw deals and firings will always happen to the other guy only"; do you remember putting out that statement, Lew?

A I remember making the leaflet.

Q Well, I call your attention to the last paragraph of it. Do you remember that?

A Yes.

Q That's a true statement, wasn't it, that there was

apathy as far as your union drive was concerned after 18 months of going on?

A It wasn't my opinion alone.

Q It was every one's opinion it was apathy, wasn't it?

A I wouldn't know. I didn't talk to anybody about it.

Q Well, you had conducted a campaign since January of 1963 and you gave out over 30 leaflets in '63 and you hold some 18 meetings according to testimony of some witnesses here. There must have been a great many more meetings, and in June, 1964, on the 24th to be exact, you held an open meeting after this campaign and eight or ten people showed up; is that right?

A That's true.

Q That to you would be apathy, isn't that right?

A No, at that time there was a calamity because 30 people were fired.

Q And on June 24, Lew, only 8 or 10 people showed up at the meeting, isn't that right?

A I didn't hear the question.

Q I say notwithstanding your last volunteered statement, only eight or ten people showed up at the union meeting, isn't that right?

A THat's right.

Q And you had 20, 15, 8 or 10, those were the people

from it.

TRIAL EXAMINER: Very well.

Will you see if you can find the letter?

MR. LEINER: I have no further questions.

TRIAL EXAMINER: The witness is excused.

(Witness excused.)

AUGUSTUS BENTIVEGNA

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your name for the record, please?

A Augustus Bentivegna.

Q Would you spell your last name, please?

A B-e-n-t-i-v-e-g-n-a.

Q Where do you reside, Mr. Bentivegna?

A 35 Harvard Lane, Commack, New York.

Q When were you hired by the Gyrodyne Company?

A Around September of 1963.

Q And you were terminated on the 29th of June, is that right?

A That is correct.

Q When you were hired, where did you work?

A In the blade shop.

Q Where in the blade shop?

A Routing.

Q Did you ever receive any pay raises while you were working for the company?

A Yes. One 10-cent raise.

Q About how long after you were working there, did you get it?

A Three months.

MR. LEINER: Would you mark this as General Counsel's 52 for identification?

(Thereupon the document above referred to was marked General Counsel's Exhibit 52 for identification.)

Q (By Mr. Leiner) Mr. Bentivegna, I show you General Counsel's 52 for identification and I ask you do you know what it is?

A Yes, it is a union card.

Q Did you sign that card?

A I did.

MR. LEINER: I offer it in evidence, Mr. Examiner.

TRIAL EXAMINER: General Counsel's Exhibit 52 will be received over objection of counsel for respondent.

(The document heretofore marked General Counsel's Exhibit No. 52 for identification, was received in evidence.)

Q (By Mr. Leiner) Mr. Bentivegna, did you ever

discuss that card with any person in the Gyrodyne Company?

A Yes, I did.

Q With whom?

A Alwood Belch.

Q Who is Alwood Belch?

A He was my leadman.

Q Do you know who Bill Dennis is?

A My foreman.

Q Foreman where?

A In the blade shop.

Q Do you recall Mr. Dennis making any remark to you about Mr. Blech?

MR. LYONS: I object to this.

TRIAL EXAMINER: Yes. I am a little bit confused by that question.

MR. LEINER: I think the witness can answer it, Mr. Examiner.

TRIAL EXAMINER: YOu claim that Belch is a supervisor?

MR. LEINER: He is a leadman,yes, sir, and I think there was a statement made to Mr. Bentivegna by Mr. Dennis who is admittedlya supervisor.

TRIAL EXAMINER: I'll take it.

Q What did Mr. Dennis say to you about Mr. Belch?

A He is a leadman and whatever he says to do, we were

to do it.

Q Would you keep your voice up, please?

Would you repeat that? I didn't hear your answer.

A That Belch was our leadman and whatever he said to do, we were to do.

MR. LYONS: I move to strike that out.

TRIAL EXAMINER: I'll let it stand. We have so much of this in here that I've just got in the habit of saying let it stand. Iam sure that all counsel realize that simply because someone is said to be a leadman doesn't mean he is a supervisor in my book until he is proved to be a supervisor. I have tried to make that clear here.

So this remark allegedly made by Dennis to Mr. Bentivegna is simply indicative of he did receive instruction that Belch was his boss. That's all it means to me at the moment. I will let it stand.

Q Would you tell the Trial Examiner in a loud voice what Mr. Belch did in the shop on a daily basis?

A He routed just like us and he gave us orders.

Q What kind of orders did he give you?

A Well, he stated that whenever we went out for a smoke, we were to tell him or whenever we went to the bathroom, we were to tell him. No matter where we went, we were to tell him where we were going.

Q And what else?

A And how long we will be.

Q How many employees were there in the routing department?

A I believe about six.

Q How many leadmen were there in the routing department?

A One.

Q Who?

A Alwood Belch.

Q Did you ever have a conversation with Mr. Belch about union activities?

MR. LYONS: I object to any conversation with Mr. Belch about union activities. There certainly is no proof that this man is a supervisor in any degree.

MR. LEINER: I rest on the record just as it is, Mr. Examiner, on that point..

I cite to you Lanthier Machinery Co., 116 NLRB,and Birmingham -- the cases I cited in Volume 1 of the record, Birmingham Fabricating, I think it is in 140.

TRIAL EXAMINER: Yes, I know the cases and I know many other cases where men with much more important functions than Belch apparently has here on the record were held not to be supervisors. It is a matter of degree, a matter of company organization. It is a matter of many factors to be considered and taken in connection with a

particular company at a particular time in particular circumstances. All the circumstances.

I will allow the answer.

MR. LEINER: The complete citations of those cases, Mr. Examiner, are in Volume 1.

TRIAL EXAMINER: Do you remember what the last question was?

MR. LEINER: I will repeat the question.

Q Did you have any conversations with Mr. Belch about the union or union activities?

A Yes.

Q What were the conversations and when were they and where were they? Will you tell the Examiner in a loud voice, please?

A Well, he often told me if I ever joined the union-- that's when we had coffee in the outer room --

Q I didn't hear that answer.

A He told me if I ever joined the union --

Q He told you --

MR. LYONS: May I have the time fixed for this conversation?

Q Was this before or after you signed the card?

A Before and after.

Q What did he say to you?

A He said, "Did you join the union?"

Q What did you say?

A No, I didn't.

Q Had you signed a card at that time?

A No. THat's before I signed a card.

Q Then did he ask you the same question after you signed the card?

A After I signed the card, he told me, did I go to the meetings or did I sign up for the union yet. I said, "No, I didn't."

Q Now, you were terminated on the 29th of June, is that right?

A That's right.

Q Would you tell the Trial Examiner what happened in your termination?

A Well, there was an assistant foreman, Al Morel. He came over to me and told me, "Come with me, Gus."

I said, "Where are we going?"

He said, "Just come with me." And he walked me out and into personnel. He told me to sit down. On the way over, I asked him, I said, "What's the matter, what is this?"

He said, "You're going to get laid off."

So I went into personnel and they told me I was getting laid off.

Q Did you ask why?

A I asked them why, yeah, I did.

Q What did they tell you?

A Well, they were reducing men in the blade shop. They are cutting down men in the blade shop.

Q Prior to the time that you were terminated, did anybody else come into the blade shop and do part of your job?

A Yeah.

Q Will you tell the Trial Examiner when this occurred and who it was?

A I don't know who it was. I didn't know his name. But there was somebody from another shop that came into our shop.

Q And did part of your job?

A Yeah.

Q What other shop did he come in from?

A I believe it was the machine shop. I'm not sure.

MR. LEINER: No further questions, Mr. Examiner, by General Counsel.

CROSS-EXAMINATION

Q (By Mr. Lyons) You worked for Gyrodyne only about eight or nine months, is that right, Mr. Bentivegna?

A That's right.

Q Mr. Belch, he routed just like you, didn't he?

A He did.

Q He worked -- by routing, you mean he did the same work you did, is that correct?

A That is correct.

Q And do you know where he had his locker?

A Yes.

Q He had it with you, didn't he?

A Yeah.

Q And he wore the same kind of clothes that you wore, didn't he?

A Yes, he did.

Q And he was paid at an hourly rate the same as you were, wasn't he?

A I don't know about that.

Q During the time that he was working, he came in contact with the same materials, the wood and the glue and those things that are used in the blade shop?

A That's right.

Q He worked with his hands, is that correct?

A That's correct.

MR. LYONS: I think that's all.

MR. RUBENSTEIN: Mr. Examiner, I didn't have an opportunity before to ask one question; only one, Mr. Examiner.

TRIAL EXAMINER: All right, but after this, Mr. Rubenstein --

MR. RUBENSTEIN: I realize that but I didn't want to interrupt counsel.

REDIRECT EXAMINATION

Q (By Mr. Rubenstein) Mr. Bentivegna, did you ever attend union meetings?

A No.

Q Never?

A Never.

MR. RUBENSTEIN: That's all.

TRIAL EXAMINER: Thank you.

(Witness excused.)

MR. LEINER: May I call the next witness?

TRIAL EXAMINER: Yes.

MR. LEINER: Would you mark this General Counsel's 53 for identification?

(Thereupon the document above referred to was marked General Counsel's Exhibit No. 53 for identification.)

WALLACE E. WALL

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your full name for the record, sir?

A Wallace Edward Wall.

Q Would you state where you reside?

A 345 Grand Street, Westbury.

Q Is that in Long Island?

A Long Island.

Q When were you first employed by the company, Mr. Wall?

A Mid-September of 1963.

Q And what job did you hold when you were first employed?

A I was employed as an avionics inspector.

Q And what day were you terminated, do you remember?

A June 30th.

Q 1964?

A 1964.

Q Are you sure it wasn't the 29th?

A No, it was June 30th, 1964.

Q What job did you have at that time?

A The same job as I was hired. Avionics Inspector.

Q Mr. Wall, I ask you to identify General Counsel's 53 for identification and tell the Trial Examiner what it is, please?

A This is a card actually that I signed to authorize the UAW to represent me at Gyrodyne.

MR. LEINER: I offer it in evidence, Mr. Examiner.

I have handed it to Mr. Curley. The date on the card, Mr. Examiner, is 26, May, 1964.

I offer it, Mr. Examiner.

MR. LYONS: Same objection.

TRIAL EXAMINER: General Counsel's 53 is received over objection of respondent.

(The document heretofore marked General Counsel's Exhibit 53 for identification, was received in evidence.)

Q Do you know who Mr. Cook is?

A Yes. Is that Donald Cook?

Q Yes.

A Yes. He was a leadman in my department.

Q Do you know Al Beltran?

A Al Beltran was also a leadman in my department.

Q And do you know who James Sullivan is?

A James Sullivan was a supervisor of the department.

Q Now, did you have any particular leadman that you reported to?

A Yes. Donald Cook.

Q Who told you to report to him?

A James Sullivan.

Q Do you recall what he said to you?

A Beg pardon?

Q Do you recall what Mr. Sullivan daid to you with regard to Mr.Cook?

A Well, the section actually was divided up into two groups. One group was to be under Al Beltran and Donald Cook.

Q I see. One section for Mr. Beltran and one section for Mr. Cook?

A This is what Mr. Sullivan had informed me.

Q Did you ever have any conversations about the union with any of the persons you have just named?

A Yes, I did.

MR. LYONS: I object to the conversation with these men. No proper foundation or proof has been offered.

TRIAL EXAMINER: Yes, I will go ahead and see what happens.

A Yes. On several occasions, I had conversations with Donald Cook and also Al Beltran.

Q Would you tell me about the conversations with Mr. Cook and will you tell me when they occurred and where they occurred?

A The conversations occurred just prior to work and during the coffee breaks.

Q What month did that occur or what months?

A They occurred during the month of April, May and March, also.

Q What year was that?

A This was 1964.

Q Would you tell the Trial Examiner what Mr. Cook said to you and what you said to Mr. Cook in any of those conversations? And specify which one if you can.

A My conversation was more or less with Donald Cook concerning the union.

Q What did he say to you andwhat did you say to him?

A He had asked me had I signed a union card.

Q And did you tell him?

A I told him that I had.

Q And you had in fact signed a card at that time?

A No, but I did sign a card after that time. This was a question that he asked me almost every day, really.

Q How about your conversation with Mr. Beltran?

A He had also asked me had I signed the union card.

Q What did you tell him?

A I told him that I had indeed.

MR. CURLEY: Can you set the time for that?

Q Can you specify, if you can, when these conversations took place and where they took place?

A They took place in the section of avionics, in the mornings prior to work and also during coffee breaks.

MR. LYONS: May I have the time of the first examination fixed, please, the first conversation?

Q When was the first time that he spoke to you? It was sometime before you signed the card, you testified?

A Yes.

Q Can you be more specific than that?

A Well, I'd say maybe the last of March.

Q That was the first one?

A That was about the first.

Q And was that with Beltran or Cook?

A That was with both.

Q And then you had conversations with them thereafter?

A Numerous occasions thereafter.

Q When was about the last occasion that they spoke to you about signing the union card?

A Just after I had actually signed the union card and had received my pocket card from the union. And I showed them this as proof indeed that I had signed a union card.

Q What did they say about unions or either of them, at these times?

MR. LYONS: I object to this.

TRIAL EXAMINER: That is an improper question.

Q Did Mr. Beltran voice an opinion about the union?

A Yes, he did. He said that --

MR.LYONS: I object to the question, your Honor.

TRIAL EXAMINER: It is in. I'll let the answer come in. Please try not to lead the witness, Mr. Leiner.

MR.LEINER: Yes, sir.

Q Would you answer, please?

A Donald Cook and Al Beltran had informed me during these conversations that they had unpleasant experiences with union and they did not want a union at Gyrodyne.

MR. LYONS: Move to strike the answer. Not binding on the respondent. Not probative of any -

TRIAL EXAMINER: I'll let it stand for what it's worth.

Q Mr. Wall, did you attend any meetings at which Mr. Papadakos spoke to the employees of the company?

A Yes, I did.

Q Do you remember when they were?

A They were on a Thursday and Friday, June 11th and 12th, I believe.

MR. LEINER: Mr. Examiner, may I be advised as to who will be examining this witness because Mr. Curley took the identification of the paper and there were objections raised --

TRIAL EXAMINER: No, you may not inquire at this time. If Mr. Curley examines, he examines.

Q You say there were two meetings and you idnetified when they were.

What time of the day were they, do you recall?

A Just after lunch.

Q Both of them?

A Both of them.

Q How long did each one last, do you recall?

A Until quitting time which would be approximately three, three and a half hours.

Q Is that apiece?

A Yes, each meeting.

Q How much notice did you have of each of the meetings?

A Approximately an hour.

Q Who told you about it?

A The leadman, Donald Cook.

Q When you went to the first meeting, how many employees were there, do you judge?

A At the first meeting, there was approximately 800' employees.

Q And at the second, how many were there?

A Second meeting, there were only approximately 300 employees, production workers only.

Q Would you tell the Trial Examiner what Mr.Papadakos said at the first meeting, if you recall?

MR. LYONS: I think the testimony is that each meeting took three and a half hours and the question has just been broached as to what Mr. Papadakos said in seven hours.

TRIAL EXAMINER: Tell us as nearly as you can, in succinct form --

A In essence, actually the first meeting Papadakos had issued a financial statement of the position that the company was in for 1964 -- the financial outlook for 1964 and he had passed out a little pie, a piece of paper with a pie on it and this indicated the amount of money, the financial situation that the company had been in the previous year.

He had said that the future of the company looked very good. He had a backlog of contracts that should last at least two years. He was going to expand the company and he was going to pick up the insurance of the employees, which was a dollar, and that it wouldn't cost the employees any money.

He told us how he had struggled and raised the company to its present form and what have you.

Q Do you recall anything else he said at either meeting?

A At the second meeting, where just only the production workers were present, I remember one statement that he had made concernig that he did not really want a wall erected by outsiders to separate the employees from management. That he wanted the employees to just work hard and thatthey wouldn't go unnoticed and they would be rewarded for this.

Q Do you recall anything else he said?

A No, that's about it, really.

Q Where were you on June 29th, 1964, Mr. Wall?

A Queens County Court House, Jury Duty.

Q Did you return to your house on June 29th, 1964, after spending the day in Queens?

A I returned to my house late in the afternoon.

Q What did you find there?

A There was a telegram from Gyrodyne.

Q What did the telegram say?

A The telegram in essence said that I should contact Gyrodyne's personnel office prior to returning to work.

TRIAL EXAMINER: Take a ten minute recess.

(Short recess.)

TRIAL EXAMINER: On the record.

Q Did you contact them prior to returning to work?

A I contacted the personnel office that --

Q Who did you speak with?

A Mr. Robinnette.

Q When did you call him?

A I called him that same evening, June 29th.

Q What happened?

A He informed me at that time that I had been included in a plant-wide lay-off due to cost reduction and the lay-offs was in accordance to seniority.

Q What happened then?

A And that I could pick up my pay checks any time after that.

Q And what did you do then?

A The next day, June 30th, I went out to Gyrodyne and spoke with Mr. Robinnette.

Q Where did you speak with him?

A It was in one of the interviewer's offices.

Q What time of the day was it?

A This was late afternoon.

Q Would you tell the Trial Examiner what Mr.Robinnette said to you and what you said to Mr. Robinnette?

A It was separation papers, picking up my pay checks at the termination of the issuing of the pay checks to me, he asked me a personal question and he asked me why did I feel I had gotten laid off. And I told him that I felt that it wasn't because of cost reduction and I felt it was because of my activities with the UAW.

He then said that he had just recently spoke with someone in top management there at Gyrodyne and this person had asked him at what time did he think the union would try to get into the company.

MR. LYONS: I object to this conversation and move to strike it.

A He mentioned the fact that it would be about 1500 --

MR. LEINER:- Just a minute.

TRIAL EXAMINER: Robinnette told you that he talked to someone high in management. Did he name that person?

THE WITNESS: No, he did not.

TRIAL EXAMINER: Yes, I'll sustain the objection.

Q What happened then, Mr. Wall?

A Well, he said that he had replied to this person in top management -

MR. LYONS: I object to these statements.

TRIAL EXAMINER: You will have to identify the man.

MR. LEINER: Rea-ly what we are having is a conversation. I want to know what the words were. I am not at all interested in the truth of the statements therein. Just that the words were uttered.

TRIAL EXAMINER: The fact is he had a conversation with someone in high management.

MR.LEINER: I want to say that the words were uttered to the witness. I am not interested in the truth of what Mr. Robinnette told him.

TRIAL EXAMINER: That being so, I will sustain the objection.

Q Was anybody else present at this conversation?

A No, there wasn't.

Q At the time you were terminated in or about the end of June, 1964, Mr. Wall, did you notice any slackening off of work in the electronics testing department

where you worked?

A No, I did not.

Q Would you tell the Trial Examiner what the work situation was?

MR. LYONS: I object to this, your Honor.

TRIAL EXAMINER: If you know it.

A In my opinion, they were going full blast.

Q Did any supervisor or leadman ever criticize the quality or quantity of your work, Mr. Wall?

A No, they did not.

MR. LEINER: No further questions.

Q (By Mr. Rubenstein) Mr. Wall, you testified you were hired in September, 1963.

A That's right. September of '63.

Q Did you make an application for a job at that time, filled out an application?

A I had made applications a few weeks prior to mid September. That would have been around the 1st of September that I made application.

Q Then were you interviewed for a job?

A Yes, I was interviewed by Mr. Robinnette.

Q During the interview, was there any conversation about your belonging to a union?

MR. LYONS: I object to the question as leading and suggestive.

question.

Were you reprimanded in any way by Sullivan concerning your work?

A On occasion, about three weeks after I was there at Gyrodyne, leadman Donald Cook had reported to James Sullivan that I had an unassuming attitude.

The next day Mr. Sullivan spoke with me concerning this. He informed me at that time that my work was satisfactory and he could not understand what Donald Cook meant by "unassuming attitude." Nor did I.

MR. LYONS: Neither do I.

MR. RUBENSTEIN: No further questions.

CROSS-EXAMINATION

Q (By Mr. Lyons) Mr. Wall, did you give a statement to anyone concerning your testimony here today?

A Beg pardon?

Q Did you give a statement to anyone concerning the happenings at Gyrodyne that has led to your being a witness here today?

A Yes, I did. I issued a statement in July at the UAW union office in Hicksville to one of the attorneys of the National Labor Relations Board.

Q Do you know that lawyer's name?

A No, I don't remember his name.

Q Did you swear to the statement?

A This was a few months after I was actually hired. The nature of the work had begun to change and the requirements were beginning to change. However, at first, it was merely an inspection job and the quality of the requirements had somewhat increased. As a result of this, we requested more pay and to have the classification of the job changed.

In fact, as a result of this, James Sullivan, the supervisor of the department, had one day, I don't rememer the day, had asked what was actually the gripes of the employees in that particular section.

This was two of the gripes that were mentioned by the employees to James Sullivan, that we wanted more pay and reclassification.

Q Were you attending school while you were at Gyrodyne, sir?

A I was not.

Q Do you know whether some of these other employees were attending engineering school or taking courses in physics and calculus?

MR. LEINER: I object, Mr. Examiner. This is far afield.

MR. LYONS: I'll withdraw the question.

Q Mr. Wall, do you remember whether there was any conversation about the spares contract falling off and the

work falling off as a result of spares being cancelled?

A I remember statements made about contracts which was at the first and second meeting by -- speech by Mr. Papadakos. At that time --

MR. LYONS: I object to this, your Honor.

A At that time, he mentioned the facts of contracts.

MR. LYONS: I object. I am asking the witness about any discussion concerning spares within your department.

A No, I do not recall that.

MR. LYONS: No more questions.

Thank you very much.

MR. LEINER: Thank you very much.

MR. RUBENSTEIN: I would like to ask one question.

REDIRECT EXAMINATION

Q (By Mr. Rubenstein) Mr. Wall, just before you answered the last question, you started telling what you heard about contracts.

Will you tell us what you were referring to --

TRIAL EXAMINER: He was talking about Papadakos' speech.

MR. RUBENSTEIN: I would like him to say what Papadakos said.

TRIAL EXAMINER: He has already said what Papdakos said. They had a backlog of contracts and expected to have enough work for two years.

MR. RUBENSTEIN: That is all.

TRIAL EXAMINER: You are excused.

(Witness excused.)

AUGUST PREITE

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

MR. LEINER: Would you mark this as General Counsel's Exhibit 54 for identification?

(Thereupon the document above referred to was marked General Counsel's Exhibit 54 for identification.)

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your name for the record, sir? Loud.

A August Preite.

Q Would you spell your last name, Mr. Preite?

A P-r-e-i-t-e.

Q Would you state for the record where you currently reside?

A I now reside at 30-05 48th Street, Astoria, New York.

Q When were you first employed by the Gyrodyne Company?

A August, 1963.

Q When were you terminated?

A June 29th.

Q 1964?

A 1964.

Q What job were you hired for?

A I was hired as an avionics inspector.

Q What was your starting salary?

A $3 an hour.

Q Did you ever receive a raise?

A Yes, I did.

Q How much?

A Ten cents.

Q When did you receive it, approximately?

A I believe it was 30 days after I was hired.

Q Mr. Preite, I show you General Counsel's 54 for identification and I ask you to identify it to the Trial Examiner, if you can. What is it?

A It is my authorization card to the UAW.

MR. LEINER: Thank you.

The date on that is 5-19-64.

I now show it to counsel for respondent.

I offer it in evidence, Mr. Examiner.

TRIAL EXAMINER: General Counsel's Exhibit 54 is received over objection by counsel for respondent.

(The document heretofore marked General Counsel's Exhibit 54 for identification, was received in evidence.)

Q (By Mr. Leiner) Who was your leadman in the avionics inspection department, Mr. Preite?

A Donald Cook.

Q Would you tell the Trial Examiner whether you ever had a conversation with him regarding any union activity?

A Yes, I did.

Q When was this?

A It was a few months before I signed the union authorization card.

Q Would you keep your voice up and tell the Trial Examiner the entire occurrence?

A It was in reference to the union card which was on my bench.

Q Was the card signed at the time?

A No, it was not.

Q Where was it on your bench?

A It was on a shelf which ran along the bench.

Q Would you tell the Trial Examiner what happened?

A Well, Donald Cook had seen the card and told me to get rid of it.

Q What was the entire conversation?

MR. LYONS: I object to the leading and suggestive questions of counsel at this time.

Q Well, will you describe the entire event?

MR. LYONS: He has already done that. I object to

the question on the ground it's already been answered.

TRIAL EXAMINER: Did Cook say anything else other than tell you to get rid of the card?

THE WITNESS: No, he did not.

Q Did you ever discuss the union with anybody else in the shop?

A Yes, I did.

Q With whom?

A With Al Beltran.

Q What did he say?

MR. LYONS: I object to the conversation.

TRIAL EXAMINER: Yes. I'll let it in. When was this conversation?

A This was also a few months before I had signed a card.

Q Would you tell the Trial Examiner what he said to you and what you said to him?

A We held a conversation and the subject got around to union organization and Mr. Beltran toldme that sometimes the union or union organization sometimes hurt the company and the employees involved.

I don't recall what my answer to that was.

Q After you signed the card, did you have any conversations with Mr. Cook or Mr. Beltran? I mean regarding union activities?

A Yes. Mr. Cook had asked me if I had attended any

of the union meetings.

Q What did you tell him?

A I told him I did not as I had a part time job which did not allow me to attend any of the meetings.

Q Did you ever attend any of the speeches by Mr. Papadakos to employees of the company?

A Yes, I did.

Q Would you tell the Trial Examiner what you remember about either of those speeches?

A Well, Mr. Papadakos had given each employee a sort of a diagram with a pie on it and he went on to explain the definition of the various percentages in this pie in regard to the company expansion and new contracts and then he went on to tell a few other stories which I don't recall at the time, which one of the stories he talked about fear and how people sometimes do brash things because of certain fears that they have.

That's all I can remember of the speech.

Q Do you remember how many speeches there were?

A Yes, there were two.

Q Do you remember where they took place?

A They took place in the assembly area.

Q Do you remember how many people were at the first?

A There were approximately 700, I would say.

Q How about the second?

A The second there were about 200.

Q D'Id you notice any difference between the types of employees at the first and the second?

A Well, Ilooked around and I noticed that most of the employees at the second speech were production employees.

Q How much notice did you have of the fact that the speeches were going to take place?

A I was notified about half an hour before the speech was to take place.

Q Now, you were terminated on the 29th of June, 1964?

A Yes .

Q Would you tell the Trial Examiner what happened on that day with regard to your termination?

A I was told by Mr. James Sullivan to report upstairs to a balcony office that they had which was over the inspection department and when I got upstairs, there were a number of other employees sitting at a table with a few representatives of personnel.

Should I go on and --

Q Yes, tell him the whole story, Mr. Preite, please.

A When everyone reached there that was supposed to be there, one of the people from personnel told me that--told us -- the group, that there was a necessity for a lay off and while it was unpleasant, it had to be done.

It had to be done because of the lack of work in specialized areas and in trying to be fair about it, they were going to lay off according to seniority.

When I heard this, I questioned this idea of seniority because I told the person who had made the statement that there were people downstairs who had less seniority than I had and he said, "Well, he realized this but it was because I had worked in a specialized area that I was being laid off.

So I let it drop there.

Q Had you only specialized experience in the avionics department?

A No, I did not.

Q Would you tell the Trial Examiner where you wprled in the department and what jobs you performed?

A Well, I had performed almost all of the tests on, I would say, 90 per cent of the incoming equipment that came into the department. That small percentage that I had not worked on, but I didn't consider myself a specialized technician.

Q Well, were there employees in the avionics department who had worked on less than 90 per cent of the incoming equipment?

A Yes, there were.

Q Do you know how many?

not like this irregularity.

The witness is called by the General Counsel, it is true. When a witness is called in the first instance, it seems to me that counsel who called him should know what he is capable of testifying to.

Now you are going back to a time in 1963, August of 1963, concerning what this man might or might not remember was said to him at the time he was hired about a union.

Some unnamed person said, according to you, Mr. Rubenstein, that's the way We want to keep it, meaning they didn't want a union in there.

I reject your offer of proof.

Will you recall the witness?

AUGUST PREITE

resumed the stand and testified further as follows:

MR. RUBENSTEIN: No further questions, Mr. Examiner.

CROSS_EXAMINATION

Q (By Mr. Lyons) Mr. Preite, you heard Mr.Papadakos make his speech.

Would you tell us how many people were there?

A The first speech?

Q Yes, please.

A Well, I would estimate between seven or eight hundred employees.

Q And he speaks with a rather marked accent, doesn't he?

A Yes.

Q And he rambles from subject to subject, would you say that's about the way that he speaks?

A Yes, I would say that.

Q Have you ever talked to him on any other occasions while you were employed there?

MR. LEINER: Objection, Mr. Examiner.

TRIAL EXAMINER: I'll take it.

A No.

Q Now, at this speech, as it went along, do you remember how long the first one was?

A It was about an hour long. I think it ran over the dismissal -- the end of the time period.

Q It ran for about an hour and then it came to the end of the shift time, is that right?

A Yes.

Q Do you remember what was said at that time by Mr. Papadakos?

A I believe he said he would have to have another meeting.

Q Did he ask for a show of hands?

A I don't recall.

Q Because some witness here said the speech ran three and a half hours and some ran four. I think that yours is a little closer approximation.

If you wish, we will call in Mr. Urban to identify it and offer it in evidence-

TRIAL EXAMINER: I'll accept your statement, Mr. Rubenstein, that he furnished it to you and if you want me to, I will compare the letter with the exhibit.

MR. LYONS: I just want the date is really all. I have no questions of Mr. Urban regarding his cutting the name off and furnishing it here. I am perfectly satisfied with his integrity.

I would only have one question of him. If he were here, I would ask him if he went to mass.

Mr. LEINER: He informed he that he did and he feels properly shriven.

MR. RUBENSTEIN: Do you want to have it in evidence?

MR. LYONS: No, I don't. I want the date.

MR. RUBENSTEIN: The date is June 24, 1964.

MR. LYONS: That's exactly the date I thought it would be.

TRIAL EXAMINER: All right, then I will return it to you, Mr. Rubenstein, everyone being satisfied with the date.

CARMINE DOTA

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your name for the record, please?

A Carmine Dota.

Q Would you state your address, please?

A 16 Balboa Drive, Kings Park, Long Island.

Q Mr. Dota, when were youfirst hired by the Gyrodyne Company?

A October 7, 1963.

Q And what job were you hired for?

A Originally I was hired as a mail clerk's job.

Q Did you work as a mail clerk?

A I did for a very short period.

Q Then what job did you get?

A I had a job in publications over in Government Stores.

Q What is Publications, Government Stores, Mr. Dota?

A I was mailing out all publications and parcel post for the Navy.

Q When you were first hired, would you state the -- state whether you advised the company of any physical disability that you have?

A Yes.

Q Would you tell the Trial Examiner what transpired at your interview when you were hired?

A Well, originally when I was first -- when I filed an

application, it was before I had left the previous job and at that time, I had nothing wrong with my legs. Then I was working for the Post Office and I found that I could not do the work on account of -- I have varicose veins in the legs and it started to become ulcerated.

Then I applied at Gyrodyne and the application there was filed previous, was there, which didn't state my physical condition at that time.

Then I had told the interviewer that I had left the Post Office job because of that condition which I happened to have at the time.

Q And you were hired?

A And I was hired, that's right.

Q Did you thereafter sign a union card?

A Well, I signed a union card sometime during April, 1964.

Q Did you attend any union meetings?

A Yes, I did.

Q How many union meetings did you attend?

A Well, quite a number of them. Ever since I signed a card, I attended every one of them.

Q When was the last one you attended?

A Well, it was just before I was laid off.

Q When were you laid off, Mr. Dota?

A I was laid off June 19, 1964.

Q When did you attend the last union meeting?

A The last one prior to that date.

Q When was that?

A Well, it was the early part of June. It was the early part of June anyway.

Q What happened after you attended that meeting?

A Well, I was given a job where I couldn't do -- they had eliminated --

Q Would you just tell the Trial Examiner? You came to work the next day after the meeting?

A Yes.

Q What happened?

MR. LYONS: Couldn't the witness finish the last statement? He was saying he couldn't do the work. I got interested in that, Mr. Trial Examiner. I wonder if he could finish it.

Q Would you tell the Trial Examiner what happened from when you got back the next day after the meeting?

MR. LYONS: I have a question --a request that the witness be permitted to finish his last answer.

TRIAL EXAMINER: Would you finish that? You attended a meeting on this particular day in June, early June?

THE WITNESS: Yes.

TRIAL EXAMINER: Were you laid off on June 19th?

Now, the question is after you attended that meeting,

you started to tell us something.

A Yes. I reported for duty that morning and my supervisor told me that my job had -- will be eliminated ---

Q Who is your supervisor?

A Mr. Bruno was my supervisor at the time.

Q What did he do?

A Well, I asked him what type of work would I be doing so he gave me some heavy equipment to pack which I find that it was very hard for me to do that type of work.

Q So what happened then?

A Well, then he goes over to the main office and comes back andtells me I had to write a ltter to the effect.

Q To what effect?

A To the effect that I couldn't do the work and I request to be laid off.

Q What did you do?

A I wrote the letter and I believe it is on file with Gyrodyne.

Q What did the letter say? Did Mr. Bruno tell you what to say in the letter?

A Yes, he told me to write whatev er I did. It is nothing but the truth anyway.

Q What did he tell you to write?

A He told me to write that I was physically incapable of doing the work and that I request to be laid off.

Q Did you request to be laid off?

A Yes, I did request to be laid off in a way because I was unable to do the work and he told me he had nothing else for me to do. That was it.

Q What did you do then?

A Well, I typed a letter out and I submitted the letter and the very same day, I was called over to personnel and I was discharged.

Q Did Mr. Bruno tell you -- withdrawn.

What actually was your job before they changed it? What actually did you do?

A Well, I took care of publications --

Q What did you do?

A I mailed out all publications and I checked equipment that came into General Stores and that was supposed to have been a supervisor's work and I was doing it. And I did some very light packing. When I had nothing to do, I ran the ditto machine and registered mail for the Navy that was going to different shipyards.

Q Then do I understand you correctly that you did not do any physical labor of any sort?

A Well, it was very minor physical labor at that time. I was doing it under stress but I was doing it.

Q What kind of job did you do for Mr. Bruno when you were transferred?

A Well,t hat was the type of job I was doing when I-

Q After you were transferred by Mr. Bruno, what was your job?

A Well, Mr. Bruno didn't transfer me at that time.

Q Well, whoever transferred you, what did you do?

A Well, that's the type of work I did after I was transferred.

Q What, the same kind of work?

A No. Before that, I was delivering mail in the plant.

Q After you stopped doing that, what did you do?

MR. LYONS: Could we have the time fixed? This cross-examination has kind of left me in a vacuum here as to what was going on when.

Q YRu testified that you were doing work in the mail room, is that righ?

A When I first started, I was working in the mail room.

Q Then you were working in Government Skores?

A Yes.

MR. LYONS: Could we have the time fixed?

Q How long after you worked in the mail room, did you go to Government Stores?

A I worked in the mail room approximately two weeks and then I went to Government Stores.

Q How long did you work in Government Stores?

A The duration of my time until I was laid off.

took you off that type of work and put you on another --

THE WITNESS: He told me my job has been eliminated and since it's been eliminated, he was handing me this other job which he knew I couldn't do.

TRIAL EXAMINER: What was this other job?

THE WITNESS: This other job required packing of heavy equipment.

TRIAL EXAMINER: Can you fix the date?

THE WITNESS: It was just prior to the lay off. It must have been a day before, or -- no, the day I was laid off. That's when I got the new job. The day that I was laid off and then when I told him I couldn't do that type of work, it is not fair for Gyrodyne and myself, on account of my physical condition, and he told me that was it. Either do that --

TRIAL EXAMINER: Then he suggested you write the letter?

THE WITNESS: Well, he had gone to personnel and personnel advised him to -- for me to write this letter out.

MR. LYONS: I object and move to strike any conversation between a Mr. Bruno and somebody in personnel out of the hearing of this witness.

MR. LEINER: May I ask another question?

TRIAL EXAMINER: Yes.

Q (By Mr. Leiner) I just want --

TRIAL EXAMINER: I'll let it stand.

Q Put your mind back, Mr. Dota. Mr. Bruno came back to you from personnel, is that right?

A That's right.

Q And he told you to write a letter?

A That's right.

Q Would you tell the Trial Examiner if he told you what to put in the letter?

A Yes, he told me just what I put in the letter.

Q Tell me what Mr. Bruno told you to put in the letter.

A That I'm incapable of doing the work and I request to be laid off.

Q What was the type of work that you were supposed to do after Mr. Bruno said that your other job had been eliminated; would you tell the Trial Examiner?

A The job that was eliminated?

Q No. The job that you were supposed to do.

A Well, it was big crates and I had to wrap up -- they looked like pistons and I think they call them horn assemblies, if I am not mistaken, and quite a number of them had to be packed into a crate and then it had to be banded and I couldn't lift it and standing all day long, I couldn't do that type of work. I had worked on this job for a few hours in the morning. I thought I would try it

out but I found it practically impossible for me to do it and I was only hurting my own physical condition and I wasn't giving my best to Gyrodyne at the same time and I told Mr. Bruno that I couldn't do the work.

Q How heavy were these packages that you were supposed to lift on the new job?

A Completely, I would say approximately around 300 pounds, these crates, when they were filled.

MR. LEINER: I have no further questions, Mr. Examiner.

Q (By Mr. Rubenstein) Mr. Dota, you said that you attended all the meetings of the union after you signed the card?

A Yes, every one of them.

Q Every one of them?

A Every one of them.

Q You are sure that you didn't miss any of them?

A I didn't miss any of them.

Q Did you attend the meeting of June 3, 19 --

A Definitely, because it was before I was discharged. I definitely attended.

Q Did you attend the meeting on June 17th?

A Yes, I did attend. That must have been the last one. That must have been the last one that I attended because I attended all the meetings up to the time that I was

discharged.

Q I assume youalso attended a meeting on June 24,after you were dishcarged?

A No. June 24th, I did not attend becuase I was not employed in Gyrodyne and since I felt it of no value to me any more, I did not attend that meeting.

Q But you are sure you attended a meeting on June 17?

A Definitely. If they had a meeting on that day, before I was discharged, I definitely attended.

Q Was that a meeting at which I was present?

A I believe so. I f I am not mistaken, that's right. You were present at that time.

Q Now, you testified, Mr. Dota, that -- strike that.

When after June 17th, did you have the conversation with Mr. Bruno?

A In reference to the new job that I couldn't do?

Q That's right.

A It was on the 19th, the day that I was discharged.

Q When you had this conversation with Mr. Bruno, was there any mention as to when the resignation would go into effect?

A I didn't quite understand that.

Q Did either Bruno or you say when the resignation that you asked in your letter would go into effect?

A Oh, no. I submitted that I would even give them two

weeks' notice.

Q Who asked for the two weeks' notice?

A Well, no one. I asked for it myself.

Q What did Bruno say?

A Bruno didn't say anything. He just brought the letter over to personnel and this very say day, in the early afternoon, I was told to follow him and that's when I was laid off.

Q I would like you to remember. About what time of the day was it when you signed the letter or gave it to him?

A Well, it was just before noon. Just before noon.

Q And after you gave him the letter, what did you do?

A I continued working.

Q Went back to your job?

A That's right.

Q And when were you called and fired?

MR. LYONS: I object to that statement. There is no proof he was fired.

A It was early afternoon.

MR. RUBENSTEIN: That is all, Mr. Examiner.

CROSS-EXAMINATION

Q (By Mr. Lyons: Mr. Dota, did you give a statement to anybody about the testimony you were going to give here today?

and I did speak to him and I told him that I would appreciate it if I could be hired, you know, got some other type of job where I could be sitting down where I wouldn't have to be standing and working, you know, that would interfere with my legs.

Q After this conversation, you were assigned to a job, is that correct?

A Well, after this conversation on June 19th, I was assigned the job that I was physically incapable of doing.

Q Did you ever have a conversation with a Mr. Caliendo about your work?

A No, sir.

I applied to see him but I never got around to seeing him.

Q At the time of June 19ty, did you have a conversation with any one about unemployment insurance?

A No, I don't believe I did, before June 19th, I did not --

Q On June 19th?

A On June 19th? I figured if I quit on my own, I would not be eligible to receive unemployment benefits.

Q That's exactly the point. You didn't want to quit on your own, did you?

A No. You are misinterpreting me now.

Q I show you this piece of paper, Mr. Dota.

A Well, if I was laid off -- if you give me work that I can't do, I have no other choice than to leave. I know this. I typed this up.

MR. LEINER: Read it. Read it. It is no more than fair. I don't see why --

A I don't see nothing wrong with it, sir.

Q At the time that you wrote this letter, you didn't know about any lay-offs in other parts of the plant, did you?

A At the time I wrote the letter, no, sir.

Q At the time you wrote this letter, you asked to be laid off so you could collect unemployment benefits, is that right?

A The only reason I asked for that is because they had no other job to be had.

Q All I asked you is, did you ask to be laid off so that you might receive unemployment benefits?

A While looking for work, yes.

MR. LYONS: I offer this letter in evidence.

MR. LEINER: May I see it, Mr. Examiner, after you have seen it.

(Thereupon the document above referred to was marked Respondent's Exhibit No. 15 for identification.)

MR. LEINER: May I ask Mr. Dota some questions?

MR. LYONS: I am not finished.

MR. LEINER: No objection by General Counsel.

TRIAL EXAMINER: Respondent's Exhibit 15 is received in evidence.

(The document heretofore marked Respondent's Exhibit No. 15 for identification, was received in evidence.)'

MR. LYONS: May the record show that Iam returning to the General Counsel the three statements that were handed to me of Carmine Dota, the first one consisting of four typewritten pages, the second one of three typewritten pages - three handwritten pages, and a third one of one handwritten page.

No further questions of this witness.

REDIRECT EXAMINATION

Q (By Mr. Leiner) You testified, Mr. Dota, I believe, that the subcontractor in the packaging department was doing only the kits?

A That's right.

Q What are kits?

A Kits is where a bunch of small little parts are put together needed for a particularpurpose and they consider them kits. In other words, you had to have more than one part to make a kit. There might have been eight or twenty parts put together in order for an overhaul on an

assembly and it was considered a kit.

Q What other types of packaging were still going on in the packaging department at the time, the very day that you were terminated, at or about that time; what other types of packaging were still going on?

A The same thing that went on prior to -- before I left.

Q Just tell us what it was.

A Well, they were packing everything except the kits. The kits were the only things that were being done on the outside but yet, when an emergency arose that they needed some kits, like 20 kits, we still did the 20 kits in Gyrodyne. It wasn't subcontracted on the outside.

Q So how much packaging work, if you considered -- let's call it a pie or a percentage of a whole. How much packaging work on June -- on or about June 19, 1964, was being -- still being done in the packaging department?

A Well, I would imagine close to 100 per cent.

MR. LYONS: I object to this. This man has no qualifications to discuss how much packaging was done in Gyrodyne.

MR. LEINER: I think he does, Mr. Examiner.

TRIAL EXAMINER: I don't know. I understand that some of these kits were being subonctracted out and others were being packaged in Gyrodyne?

THE WITNESS: Right.

TRIAL EXAMINER: Do you know of your own personal knowledge what percentage was being subcontracted out?

MR. LEINER: That wasn't the question I asked.

THE WITNESS: The subcontracting outside was being done before I was laid off and -- it was the major portion of these kits. But part of these kits were still being done in the plant but the regular packing was still being packaged there. There was no change in that respect. It was still approximately 100 per cent of it was still being done at the plant the day that I was discharged.

MR. LEINER: You mean of the other types of packaging, other than kits?

THE WITNESS: Yes.

MR. LEINER: I just have one further question.

Q (By Mr. Leiner) With regard to R-15 in evidence, Mr. Dota, which is your letter to the company -- I withdraw the question.

No further questions by General Counsel.

MR. RUBENSTEIN: I would like to ask one question in regard to this.

Q (By Mr. Rubenstein) Mr. Dota, this letter that was just shown to you, is that the letter that you testified before that Bruno suggested to you to sign?

A Yes.

AFTER RECESS

(Whereupon, at 2:00 p.m., the hearing was resumed pursuant to the taking of the recess at 12:35 p.m.)

TRIAL EXAMINER: On the record.

MR. LEINER: Mr. Examiner, the General Counsel has asked your indulgence even before the lunch hour in order to await the arrival of a witness, an 8 (3) by the name of George Fallo.

It is now five past two and Mr. Fallo, who said he would be here at two'o'clock the last I spoke with him, which was last night, has not arrived.

Further, the alleged 8 (a) (3), Dale Spicer, I have been informed, has taken employment in California and therefore, I do not expect him to attend this hearing.

And I have not heard from the alleged 8 (a) (3) Bernardini, Robert Berardini.

I would be most reluctant to close the hearing, not with respect to Messrs. Spicer and Berardini, but with respect to Mr. Fallo and therefore I would propose respectfully to the Trial Examiner that we have an adjournment of an hour or two to await the arrival of Mr. Fallo or else, in the alternative, sir, I respectfully request that the hearing not be -- the General Counsel's case, if it is rested, not be rested for the reception of the appearance of Mr. Fallo and some one or two other witnesses that we

TRIAL EXAMINER: On the record, Mr. Reporter, please.

This hearing was adjourned until 3:00 o'clock this afternoon. It is now 3:35. The Trial Examiner has just received a telephone call from Mr. Leiner, counsel for the General Counsel, informing him that - that is, Mr.Leiner informed the Trial Examiner that under direct orders from his, Mr.Leiner's office, he had just served a subpoena on Mrs.Papadakos and has moved me over the telephone to wait for him to arrive in some 25 minutes from now for the purpose of calling Mrs. Papadakos to the witness stand.

I informed Mr.Leiner to return here as soon as possible. I told him I did not know whether I would listen to Mrs. Papadakos or not but for him to return here to the hearing room at once.

Therefore, gentlemen, under these circumstances, we will stand in recess until 4:00 o'clock.

(Short recess.)

TRIAL EXAMINER: On the record.

MR. LYONS: May I note the time on the record and make a statement?

I would like to state for the record that according to my watch, it is now five minutes after four. That before the adjournment at the luncheon recess at five minutes of one, it was stated by the General Counsel's office that

10

is concerned, I think your burden is a great deal heavier if you do let the -- I mean your burden of integrity is a great deal heavier if you do let the witness testify.

TRIAL EXAMINER: I will hold my ruling in abeyance for just a moment.

Call your witness.

DOROTHY MAE PAPADAKOS

a witness called by and on behalf of the General Counsel, bieng first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your name for the record, please?

A Dorothy Mae Papadakos.

Q Where do you reside, Mrs. Papadakos?

A Since December of 1964, I have been living at Armand Court, Head of the Harbor, St. James, Long Island, New York.

Q What is your maiden name?

A Dorothy Mae Johnson.

MR. LYONS : I think Mr.Urban may be called as a witness. I ask his exclusion.

TRIAL EXAMINER: Yes.

MR. RUBENSTEIN: Mr. Examiner, you know what I am calling him, only to recognize the signatures. It is a

limited examination. I don't see why he should be excluded.

TRIAL EXAMINER: In the view of the general behavior of the counsel for the General Counsel, I cannot take your statements as binding on him.

MR. RUBENSTEIN: You are ascribing to me the same as the General Counsel?

TRIAL EXAMINER: Yes.

Q You said your name was Johnson?

A Yes, sir.

Q What is your father's name, Mrs. Johnson?

MR. LYONS: I object to any reference to her father; not present here.

MR. LEINER: She can testify as to her father's name.

TRIAL EXAMINER: Lht's have his name.

Q What is your father's name?

A Gust Johnson. J-o-h-n-s-o-n.

TRIAL EXAMINER: Is your father in any way connected with Gyrodyne Company of America, Inc. as an officer, director?

THE WITNESS: No, sir.

TRIAL EXAMINER: Is he an employee of that company?

THE WITNESS: No, sir.

TRIAL EXAMINER: Does he have any financial interest, do you know, in that company, whatsoever?

12

THE WITNESS: No, sir.

TRIAL EXAMINER: Do you know whether he has ever acted as an unpaid consultant to any officer or director of that company?

THE WITNESS: No, sir.

TRIAL EXAMINER: Do you know of any activity whatsoever that your father ever undertook for or on behalf of this company?

THE WITNESS: No, sir.

Q (By Mr. Leiner) Where is your father residing now?

MR. LYONS: I object to the question.

TRIAL EXAMINER: Sustained.

Q Would you tell the Trial Exainer whether your father had a conversation with Mr. Papadakos in your house regarding the union?

MR. LYONS: I object to the question.

TRIAL EXAMINER: I sustain the objection.

MR. LEINER: Then I must appeal to Washington directly.

Will you give me leave?

TRIAL EXAMINER: I will not give you leave to appeal to Washington. Are you threatening me?

MR. LEINER: No, sir. I am reserving my rights. This is the most germane testimony in the hearing.

TRIAL EXAMINER: You know the rules. You may, in your

12

discretion, if so advised, file a petition for an appeal from my ruling.

MR. LEINER: Mr. Examiner, I advised you on the record as to what the testimony is.

TRIAL EXAMINER: I consider it irrelevant, incompetent.

MR. LEINER: There is no privilege attaching to it. It is a complete admission with regard to the basic issues in this case. I confess to you I would request that you give me the reason why you believe it to be irrelevant since these are admissions of Mr. Papadakos to a third person regarding the basic issues in this case?

TRIAL EXAMINER: On your own statement, on your own offer of proof, it is insufficient.

MR. LEINER: On what grounds, sir?

TRIAL EXAMINER: It is incompetent.

MR. LEINER: I would like to make a formal offer of proof because the lady has given a statement to that effect.

I offer in evidence the prior statement of Dorothy Mae Papadakos, given under oath to two Board agents on the 21st day of May, 1965, which shows in clear, simple English admissions by Mr. Papadakos as to the reasons for the discharges in this case and which will negate any defense, which will show the sham and fraud of the defense

13 interposed herein and will show that the reasons for the discharges of the 30 employees here are totally in violation of the National Labor Relations Act and I believe it is an abuse of discretion, sir.

TRIAL EXAMINER: Before I read this statement, when did you first decide you would call Mrs. Papadakos as a witness in this case?

MR. LEINER: I was directed to call Mrs. Papadakos in this case at two o'clock this afternoon.

TRIAL EXAMINER: Do you have authority to represent the General Counsel in this proceeding without referring to the Regional Mttorney, the Regional Director or the General Counsel in Washington?

MR. LEINER: Do I have authority on my own? I am only their agent.

TRIAL EXAMINER: Do you have authority to conduct this case?

MR. LEINER: As their agent.

TRIAL EXAMINER: Did you have the authority to assure me at two o'clock that you had one more witness to call?

MR. LEINER: I told you I did not want to rest this case until I had a chance to bring in subpoenaed witnesses and there was an offer of a stipulation with regard to only 8 (a) (3) testimony and I refused to enter into it.

MR. LYONS: I object to the Trial Examiner reading the

14

statement.

I think that it will be highly prejudicial and error.

TRIAL EXAMINER: Yes, I note your objection.

Well, again you are practicing deceipt on me, Mr. Leiner. I have looked at this statement. It has been seen by no one except you and me, I take it, in this court room.

MR. LEINER: I urge you to reconsider your statement about deceipt on my part.

TRIAL EXAMINER: The statement you made to me was in connection with the issues of this case.

You know very well that I told you I would take no testimony regarding occurrences in 1962.

MR. LEINER: That has nothing to do with 1962, Mr. Examiner.

TRIAL EXAMINER: It mentions the election.

MR. LEINER: I am talking about 1964. It is much later on than that.

TRIAL EXAMINER: Then it refers to a statement made by Mrs. Papadakos' father.

MR. LEINER: To Mr. Papadakos. Mr. Johnson had a conversation with Mr. Papadakos at which Mrs. Papadakos was present.

TRIAL EXAMINER: Be that as it may, your offer of proof is rejected.

MR. LEINER: No, sir.

GUST JOHNSON

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

MR. LEINER: Prior to proceeding, Mr. Examiner, I would inquire of the Examiner whether -- I don't intend to ask you, the Examiner, for a legal opinion, but I would offer in evidence a teletype received from the Board with regard to the testifying of Mrs. Papadakos, of course,when she testifies, unless this is already a Board order in this case and part of the law of the case, but failing that, I would offer it in evidence.

TRIAL EXAMINER: All I know, I received a copy of a telegram. I don't know whether it is a copy.

MR. LEINER: Is that the telegram from George Leet?

TRIAL EXAMINER: It is in my other briefcase. Someone advised me that I had been reversed and that the testimony of Mrs. Papadakos would be received as appearing to be competent and material in the case. That's the only thing I know.

MR. LEINER: I withdraw the offer at this time, Mr. Examiner.

MR. LYONS: May I note on the record that the husband, Peter Papadakos, does not waive his privilege regarding

but I will be making a number of my statements for the record well aware that the Board has made a certain ruling.

MR. LEINER: I would like to make just two short statements.

The Connecticut case, of course, involves a type of communication not relevant in this case and the second point is that I would respectfully urge the Trial Examiner to note that privileges exist and privileges are waived other than by express waiver and that, for instance,when a witness appears on the stand and testifies with regard to a crime in which he is implicated, he very often cannot then calim the privilege against self-incrimination without an express waiver.

I wanted to point that out before taking the witness. I am sure you are well aware of that.

May I proceed, sir?

TRIAL EXAMINER: Yes, sir.

DIRECT EXAMINATION

Q (By Mr. Leiner) Would youstate your full name,please?

A Gust Johnson.

Q Where is your permanent residence?

A Veronnia, Oregon.

Q Is that two "n's" at the end or one "n" in Veronnia?

A Two "n's".

Q Where do you reside now, Mr. Johnson?

A At the present, I am staying with my daughter at Head of the Harbor, St. James.

Q Is that in Long Island?

A Yes.

Q How long have you resided at Head of the Harbor with your daughter?

A I have been there since the 24th of March, 1965.

Q Who is your daughter? Is she married, Mr.Johnson?

A Yes, as far as I know.

Q Who is she married to?

A Peter Papadakos.

Q Do you know what position Mr. Papadakos has in his job?

A He is the president of the Gyrodyne Company.

MR. LEINER: Mr. Examiner, may I ask that you admonish the witness to keep his voice up, please.

TRIAL EXAMINER: We have a little difficulty in here at times, Mr. Johnson, in hearing because of the air-conditioning and various other factors so if you will try to speak up, we will all appreciate it.

Q After you arrived at your daughter's residence in Head of the Harbor, did you have any conversations with Mr. Peter Papadakos regarding the union?

A Yes, at different times.

Q Would you tell the Trial Examiner when and where you

had the first conversation with Mr.Peter Papadakos regardless whether it was at the Head of the Harbor or elsewhere, regarding the union?

A Yes. We discussed that several times. I asked him about it.

Q Where was this, the first time?

A The first time was in Coral Gables, Florida.

Q What year was that, what month?

A 1964. The later part of March.

Q Would you tell the Trial Examiner what the conversation was between you and Mr. Papadakos?

MR. LYONS: I object to the question,your Honor. This is a conversation back in March of 1964 in Coral Gables, Florida.

TRIAL EXAMINER: I'll take it over your objection.

MR. LYONS: Respectfully except.

May I have the place fixed where it was had.

Q Where was this Coral Gables, Florida conversation, where was this, Mr. Johnson?

A It was at him and my daughter's home. Peter's home and Dorothy's home.

Q Would you tell the Trial Examiner what he said to you and what you said to him?

MR. LYONS: Objection. Held in the home of this man with his wife.

TRIAL EXAMINER: Was this conversation between you and Mr. Papadakos alone?

THE WITNESS: I think so. My daughter was there but she was walking around the house doing her work and I don't know if she -- if you can say that she was with us. We were discussing this in the den at the time.

TRIAL EXAMINER: Overruled.

MR. LYONS: Respectfully except.

Q Would you tell the Trial Examiner what Mr.Papadakos said to you and what you said to him at that time?

A Well, I had heard that he was having troubles with the unions trying to come into the Gyrodyne Company --

TRIAL EXAMINER: Tell us what you said and what he said.

A I asked him how he was getting along with the unions.

"Well," he said, "they are after me because I fired thirty some men that were carrying union cards or had signed up with the union." And he said, "Of course, they are" --

Q Do you recall any other part of that conversation?

A He says, "Before I would let the union get the best of me, I'll put the key in the door and lock the building up and quit."

Q Did you have a conversation with him thereafter about the union?

MR. LYONS: May I have that question?

(Question read.)

Q When was this?

A This was in St. James, Head of the Harbor, in the home there.

Q Really? What month and what year was this, do you recall?

A Well, that was 1965, in the later part of March, first of May, somewhere in there.

Q Where did it take place?

A It took place at dinner in the evening about 7 o'clock in the evening.

Q Where were you physically in the house?

A We were all in the kitchen. The children and my daughter and myself and Peter.

MR. LYONS: I object to this question. On the same grounds with the wife present.

TRIAL EXAMINER: Overruled.

Q Would you start from the beginning and tell the Trial Examiner what the conversation was there?

A Well, Mr. Papadakos come into the house like he always does, looking sad, and as if he was all in and my daughter said, "What's the matter?"

"Oh, troubles, troubles, troubles," he said.

MR. LYONS: I object to any conversation between

the wife and the husband.

TRIAL EXAMINER: I'll give you a continuing objection to this line of questioning, Mr. Lyons.

I propose to let it in and let the Board rule but you are thoroughly protected insofar as your exception to my ruling is concerned.

MR. LYONS: I am making a different type of objection to when the wife speaks with the husband as against one where there is testimony concerning a conversation between this witness and the husband.

TRIAL EXAMINER: Very well.

MR. LYONS: Therefore, I'm pressing my objection on the conversation with the wife.

TRIAL EXAMINER: Yes, I understand.

Overruled.

Q Would you tell the Trial Examiner what happened in the kitchen in the evening in -- at that time in 1965, what the conversation was when he came in looking tired, Mr. Papadakos, that is.

A Well, after he said he is having troubles and troubles, my daughter said, "What about?"

"Oh," he says, "some more trouble with the union and the National Labor Board and they are after me because I fired these thirty some fellows that were in favor of the union and held union cards."

(The record was read by the reporter.)

TRIAL EXAMINER: Now, the pending question is --

MR. LEINER: I thought you wanted to take the witness yourself?

TRIAL EXAMINER: No.

MR. LEINER: I asked the witness whether he had another conversation and he said yes. That, I believe, was the last testimony.

TRIAL EXAMINER: Very well.

Q (By Mr. Leiner) Where was this last-mentioned conversation?

A That was riding in the car, going over to the Mariner's Restaurant.

Q Where is the Mariner's Restaurant?

A It is out somewhere around Huntington, out by the bay there.

Q When was this conversation?

A It was in the car driving to the restaurant.

Q I take it from your testimony it was after March of '65. Can you be more specific as to when it was?

A That was sometime in the beginning of May or -- yes, it was in about May.

Q What year was this?

A 1965. It was not long ago.

Q Was your daughter in the car?

A Yes.

Q Would you tell the Trial Examiner what the conversation was then?

A Oh, I asked him again that time how he was coming along with this union and National Labor Board and he says, "The union claims now that I fired eighty people." He says, "I actually only fired 30 or some." He says the rest of them I laid off because there was no work.

Q Did you give you a reason why he fired the 30?

MR. LYONS: I object to the question.

TRIAL EXAMINER: I'll let it stand.

Please be careful. Try not to lead the witness, Mr.Leiner.

MR. LEINER: Yes, sir.

Q Would you answer, please?

A What question?

MR. LEINER: Would you read the question back,please?

(Question read.)

A Yes. For --

TRIAL EXAMINER: What did he say?

A Having union cards and he called them agitators.

TRIAL EXAMINER: What did he tell you?

THE WITNESS: He called them agitators. He got rid of all the agitators.

MR. LEINER: No further questions, Mr. Examiner.

MR. RUBENSTEIN: No questions, Mr. Examiner.

CROSS-EXAMINATION

Q (By Mr. Lyons) Mr. Johnson, your daughter is having marital problems with Mr. Papadakos, isn't that right?

MR. LEINER: Objection. Objection.

TRIAL EXAMINER: What is the ground?

MR. LEINER: Outside the scope of the direct examination, Mr. Examiner. Not pertinent. Whether his daughter is having difficulties, no question as to this witness' veracity.

TRIAL EXAMINER: No, I will permit it.

MR. LEINER: Thank you.

A I am to answer?

TRIAL EXAMINER: Yes.

A Yes, I think she is.

Q Don't you know?

A Yes, I know.

Q And don't you know that she had marital difficulties with him before this?

A Yes.

Q Don't you know that she went to a lawyer in Florida?

A Yes, I know.

Q Don't you know she went to two lawyers?

A No, I don't know that.

Q Do you know she made certain demands on Mr.Papadakos?

Q Who is the vice-president of Gyrodyne?

A I don't know.

Q You don't know?

A No.

Q Did Mr. Papadakos ever discuss this with you, sir?

A No.

Q Would you tell me how many birds that they deliver per month?

MR. RUBENSTEIN: To whom?

MR. LEINER: What birds?

TRIAL EXAMINER: Airplanes, I suppose.

Q I am using the word "birds" to see if this man --

A Helicopters. No, I don't.

Q You don't know how many they deliver a month?

A No.

Q Would you tell me how many employees they have now?

A Well, I've heard there is eight or nine hundred.

Q When did you hear that?

A Oh, several times from Papadakos himself.

Q How many different -- by the way, what is Patuxent?

A Patuxent?

Q Yes.

A Well, there is a town by that name, I think.

Q Where is it?

MR. RUBENSTEIN: Mr. Examiner, just one interruption..

Do I understand that my objection stands to the entire ruling which is not proper cross-examination because -- every time counsel goes into another line --

TRIAL EXAMINER_ Your objection stands to this line of questioning which I consider proper.

MR. RUBENSTEIN: Thank you.

A I know there is a town by that name, but I don't know where.

Q It it on Long Island?

A Yes.

Q Have you ever been to the town?

A Not that I know of.

Q Don't you know that Patuxent River is the primary testing ground for the Gyrodyne helicopters?

A Now that you mention it, yes, it comes to me.

Q Didn't you know it before?

A No.

Q Let me ask you this.

How many times during the past year, have you been at Long Island and for how many months at a time?

A Oh, I was here a couple years ago when Peter Papadakos and my daughter lived on the Gyrodyne property. I stayed there at that time about five months.

Q You stayed in the house right on the property for five months, didn't you?

A Yes.

Q And during that five months, did you ever find out where Pawtuckot was?

A I never did pay any attention to it. I heard about it a lot but I never paid any attention where it was and it didn't make any difference to me.

Q You didn't pay any attention to the conversations, is that correct, Mr. Johnson, at that time?

A Not at that time.

MR. RUBENSTEIN: Mr. Examiner, someone came in right now and I wonder whether it is a witness to testify and what he is doing here.

MR. LYONS: No, he is not a witness. I think Mr. Rubenstein knows him.

TRIAL EXAMINER: We have invoked the rule excluding witnesses. If you are not a witness, this is a public hearing and you are entitled to remain.

MR. LYONS: May I have the last question, please?

(Question read.)

A No.

Q Don't you know that Patuxent River is located in Maryland and that all of the helicopters delivered to the Navy are tested down there?

A Yes, now that you mention it.

Q Don't you rmember yourself without my mentioning these

Q And weren't you interested in the helicopter?

A No.

Q You showed no interest at all in it, is that right?

A I showed interest in it, naturally, but I have quit the garage business and I am semi-retired and they can build all the helicopters they want. I will not lose any sleep over how they are built.

Q You will not lose any sleep over what happens to this company either, will you?

A None of my concern.

Q Mr. Johnson, have you got another daughter named Shirley?

A Yes.

Q Is she emotionally unstable?

MR. LEINER: Objection.

MR. RUBENSTEIN: I join in the objection.

MR. LEINER: Objection. Don't answer.

TRIAL EXAMINER: I think you wenttoo far.

MR. LYONS: I think, your Honor, if I may, there is going to be some further testimony concerning emotional instability and I think I have a right to lay a groundwork for it. There is a different witness on the stand now than has originally be called and I think that if I am requested not to pursue it, I certainly will not, but I will then request that the witness be instructed to remain

hearing opened on May 17th.

Does that mean anything to you with regard to when you gave this pre-trial statement?

THE WITNESS: Well, I never paid any attention to the dates. I have no reason to hardly, but -- unless I have them in my diary. I think I give this here statement after the hearing.

Q You say you keep a diary, is that right?

A Yes. Not complete.

Q Pardon me?

A Not a complete one.

Q Do you have it with you?

A No.

Q Didn't you think it might be necessary to bring it here today so it might refresh your recollection and we would have an opportunity to look at it?

A No, I never thought about it.

Q This diary is kept in your own handwriting?

A No, my daughter keeps it.

Q When you are out in Oregon, who keeps it for you?

A I keep it myself.

Q You say your daughter keeps your diary for you?

A She keeps certain dates that when I go and come on the plane or something of that sort, she keeps a record of that.

Q You have testified here, Mr. Johnson, that you keep a diary.

Now what I want to know is, do you have it with you and do you keep it in your own handwriting?

MR. LEINER: You admonished counsel not to shout at the witnesses.

Will you admonish Mr.Lyons not to do that?

TRIAL EXAMINER: I don't consider it shouting.

THE WITNESS: I don't have it with me.

TRIAL EXAMINER: Mr. Leiner, I am an old hand at this business of counsel trying to make the record show something that doesn't happen. I don't like it. Emphasis is a great deal different from a normal tone of voice. I want all of counsel to know that. I do not like this record cluttered up with a comment from counsel as to what's happening.

I will say this, any time I consider counsel is abusing the witness or attempting to intimidate a witness, I shall be the first one to stop him.

Go ahead, Mr. Lyons.

MR. LYONS: May I have the last question and answer?

TRIAL EXAMINER: You wanted to know whether or not he kept a diary and whether he kept it in his own handwriting.

A I keep all my receipts--

Q (By Mr. Lyons) I am not asking you that. You mentioned diary, Mr. Johnson. I didn't. I am asking you about a diary, a book.

A It isn't a very well kept-up book or diary. I just keep track of certain things.

Q You told us that you kept it in your diary. What I want to get to now, Mr. Johnson, is did you keep the conversation of March 1964 in your diary?

A No.

Q And you are just as sure about that as you are about the rest of the testimony you have given here today?

A Yes.

Q You are sure that you told him that sometime in March of 1964 you had a conversation in the den in the room in Coral Gables, is that correct?

A Yes. During Easter vacation.

Q You are sure about that?

A Yes.

Q You gave that statement on June 4th of 1965 at the Smithtown Postoffice, is that right?

A Yes.

Q And you swore to it?

A Yes.

Q Isn't it a fact, Mr. Johnson, that you weren't even in Florida in June of 1964?

A June?

Q Yes. Wait a minute. Isn't it a fact -- withdraw the question.

When did you next see this statement?

A When did I next see that statement?

Q Yes. Maybe you never saw it until today?

A Not since I gave it, no.

Q You haven't seen this statement since June 4, 1965, when you gave it to Mr. Leiner in the Smithtown Postoffice?

A Oh, yes, I have seen it since, yes.

Q I just thought you told me you hadn't seen it.

A I misunderstood your question.

Q Now, would you please tell me when it was that you saw it for the next time?

A I saw it yesterday.

Q Don't you remember whether you saw it? You don't need to hesitate, Mr. Johnson, about whether you saw it or not, do you?

MR. LEINER: He is not hesitating, Mr. Examiner. He is characterizing the statement.

MR. LYONS: Withdrawn.

Q (By Mr. Lyons) When you saw the statement yesterday, Mr. Johnson, did you make any changes in it?

A I made a change in a date, yes, because at the time I made the statement--

Q I didn't ask you that, did I?

A No.

Q I asked you if you made any changes in it.

A Yes.

Q And when you made the changes yesterday, did you put yesterday's date on the statement?

A I think I did, yes.

Q Yes. You put yesterday's date on the statement, isn't that right?

A Yes.
Q And you initialed it?
A Yes.
Q "GAJ"?
A Yes.
Q Dated 6-20-65?
A Yes.
Q "GAJ"?
A Yes.
Q And you did that in two places, isn't that right?
A Yes.
Q And the thing that you changed -- by the way, did you change this in your own handwriting?
A Yes.
Q Mr. Leiner didn't write it in this statement, did he?
A No. I changed it.
Q You changed it yourself?
A That's right.
Q You changed the date from June of 1964 to March of 1964, isn't that right?
A Yes.
Q And the reason you changed the date is that you weren't in Florida in June of 1964, isn't that right?
A No. I was in California.
Q That's right. So I show you this statement, Mr. Johnson

and I call your attention to the two places that you have changed the date, page 2 and page 3 of that statement.

A Yes.

Q When you testified here today that you were sure about certain things, you were no more sure about them, sir, than you were about the date that you gave in this statement, isn't that right?

A The day I made the statement I was sure -- I had thought I was sure but I had told him at the time I might be --

Q I didn't ask you that, did I?

MR. LYONS: I offer the statement in evidence.

MR. LEINER: No objection by General Counsel.

TRIAL EXAMINER: Received without objection.

(Respondent's Exhibit No.16 for identification was received in evidence.)

Q (By Mr. Lyons) Mr. Johnson, after you went out and read the decree out in Riverhead in the court, did you ever see a copy of that decree that your daughter had?

MR. LEINER: Objection. Asked and answered several times, Mr. Examiner. Going over and over the same ground.

TRIAL EXAMINER: Overruled.

Q (By Mr. Lyons) Did you see a copy of that decree that your daughter had?

MR. RUBENSTEIN: Have you ruled on the objection, Mr.

Examiner, because I objected also.

TRIAL EXAMINER: Overruled.

A No.

Q (By Mr. Lyons) Let me ask you this: After you went out and examined that decree, any time up to the present time, have you ever gone to a lawyer's office with your daughter?

A Yes.

Q What's the name of the lawyer?

A Jerry Rubenstein.

Q Who?

A Jerry Rubenstein.

Q Is that Jerome Rubenstein?

A Jerry.

Q Where is his office located?

A Located in New York.

Q Can't you give me a little more help than that? Tell me what address it's located in New York.

A No.

Q Did you know Mr. Jerry Rubenstein before this case?

A No.

Q Do you know the name of his firm?

A No, I don't.

Q Let me ask you this: Why did you go to Mr. Rubenstein, Jerry Rubenstein's office?

A You will have to ask my daughter that question.
Q Were you there?
A Yes, I was there.
Q Did you have a conversation with your daughter?
A I heard it, yes.
Q Were you interviewed by Mr. Jerry Rubenstein?
A No.
Q Did you meet him?
A I met him.
Q How did you happen to meet him?
A I met him when I went with my daughter up to his office.
Q Do you know if that's the first time your daughter ever met Mr. Jerry Rubenstein?
A As far as I know, yes.
Q Do you know the name of his firm?
A I have his card at home in my coat pocket, but I don't know the -- I don't remember it now. I don't remember the name of the firm.
Q Is it a hard name?
MR. LEIMER: Objection.
A No.
Q (By Mr. Lyons) How many names in the firm?
A I think there was two.
Q Do you know what the other name was?
A No.

Q Was it also Rubenstein?

A No.

Q Well, do you know if Jerome Rubenstein, the lawyer, is the son of Mr. Benjamin Rubenstein, who is representing the UAW here?

A No, I didn't know that.

Q You didn't know that?

A No.

Q It was never discussed or -- I don't know whether it's so or not. You have told me the name Jerome Rubenstein.

A Yes.

Q Pardon me?

A I didn't know he was the son to Mr. Rubenstein here.

Q Well, I don't know either.

A Well, I don't know.

MR. RUBENSTEIN: It is conceded that Rubenstein & Rubenstein, and Jerome S. Rubenstein is my son.

MR. LYONS: I am astounded.

Q (By Mr. Lyons) I mean, your daughter and you -- she went to him not for the purpose of this Labor Board, did she, this hearing?

A No.

Q What did she go to him for?

A She went to him for other reasons.

Q What other reasons?

THE WITNESS: Yes.

MR. LYONS: That's all.

REDIRECT EXAMINATION

Q (By Mr. Leiner) Mr. Johnson, do you know how many children Mr. Papadakos had with his first wife?

A Three, I hear.

Q And how many children does Mr. Papadakos have with your daughter?

A Three.

Q What are their ages?

A Five, three and eleven months.

Q Do you know how old Mr. Papadakos is, approximately?

A 50 years old.

Q How old is your daughter?

A 28.

Q How long has your daughter been married to Mr. Papadakos?

A Oh, about four years.

Q You testified that--

MR. LYONS: Just a moment. Just a moment.

At this stage of the proceeding may I ask that the hearing be closed? It shouldn't be me that makes this application but in view of the last question and answer I think that for the purpose of propriety, this hearing should be closed, and if you will clear the court I could be heard on that point.

A He came home one evening and asked her--

Q (By Mr. Leiner) When was this, by the way?

A About a week ago.

Q Go ahead.

A He wanted her to go to Honolulu with him. She said no. She says, "How come you are offering me this trip now?"

MR. LYONS: I object and move to strike this out.

MR. LEINER: I would like to have the full testimony, Mr. Examiner.

A She said "How come you are offering me these trips to Honolulu now when I have been married to you all these years and you have never offered me a trip before?"

Q What did Mr. Papadakos say to that, if you recall?

A Oh, he says, "I wish you would go with me to Honolulu." She says, "You can go by yourself." But he never went.

Q In the last month -- I will withdraw that.

Did you in any of your conversations with Mr. Papadakos ask him, when he was talking about the discharge of these union people, how he knew who the union people were?

MR. LYONS: I object to this.

TRIAL EXAMINER: Let me hear the question, please.

(Question read)

TRIAL EXAMINER: Mr. Leiner, I wish you wouldn't ask leading questions on material points like that.

MR. LEINER: It is not leading, Mr. Examiner.

TRIAL EXAMINER: It certainly is. If that doesn't suggest an answer, I don't know what does.

MR. LYONS: I object to this.

TRIAL EXAMINER: The testimony of counsel in the form of questions like that is completely meaningless to me.

MR. LEINER: Mr. Examiner, the record will speak for itself. I can't ask you to evaluate the testimony now. Whatever decisions you make with regard to credibility are those that you are going to make, and I just ask that the record be made.

MR. LYONS: I object to this on the ground that the conversations have already been gone over on direct examination as to all of the testimony, and the statement of this witness is in evidence. I object to it as improper redirect.

TRIAL EXAMINER: It is improper redirect, but I will permit it.

Do you remember the question?

THE WITNESS: Yes.

TRIAL EXAMINER: All right, answer it.

A I asked Mr. Papadakos how he knew and how he found out who were the guys that held union cards and were in favor of joining the union.

"Oh," he says, "we have a personnel department that took care of that," he says. "When we found out,

we let them go, got rid of them."

MR.LEINER: I have no further questions, Mr. Examiner.

MR. RUBENSTEIN: No questions.

MR. LYONS: No questions.

TRIAL EXAMINER: You are excused. Thank you, sir.

(Witness excused)

MR. LYONS: May I have a five-minute recess? The last recess I was busy with that statement.

TRIAL EXAMINER: Yes, sir.

We will take a five-minute recess.

(Short recess)

TRIAL EXAMINER: Mrs. Papadakos, you have been sworn in this proceeding and you still are under oath.

Will you take the witness stand, please?

You may proceed, Mr. Leiner.

DOROTHY MAY PAPADAKOS

previously sworn, resumed the stand.

MR. LYONS: Mr. Peter Papadakos still does not waive his privilege in relation to any testimony to be given by this witness.

TRIAL EXAMINER: It is noted on the record, Mr. Lyons.

DIRECT EXAMINATION

Q (By Mr. Leiner) Your name is Dorothy May Papadakos, is that right?

A Yes.

Q And you are married to Peter J. Papadakos, is that right?

A Yes, sir.

Q And who is Peter J. Papadakos?

A Peter J. Papadakos is the president of Gyrodyne Company of America in St. James, Long Island.

Q Where do you reside, Mrs. Papadakos?

A I reside at Armand Court, Head of the Harbor, St. James, Long Island, New York.

Q How long have you resided there, Mrs. Papadakos?

A Since December of 1964.

Q Mrs. Papadakos, did there come a time that your father visited you at Armand Court?

A Yes, my father arrived at our home March 23, 1965, from California.

Q Thank you. And subsequent to his arriving there did you have a conversation or did he have -- I will withdraw that.

Did your father have a conversation with Mr. Papadakos, your husband, and were you present at that conversation, the conversation being about the union?

A Yes, sir.

Q Would you tell the Trial Examiner when and where the conversation took place?

A The conversation, sir, took place in my home in the kitchen around a dinner hour. I would say the time was between March 23rd and March 27th and Peter had come home from work and looked quite unhappy, and we asked him, my father and I asked him why he looked so depressed and unhappy, and Peter said that he was having difficulties with the National Labor Relations Board because he had laid off 30 employes whom he knew were union cardholders. He actually said he had laid off 80, but 30 of the 80 were known to be union cardholders. And he did say that hearings were going on and the unions were giving him difficulties also. And he further stated that if the

hearings go in the favor of the union, the company will have to reinstate these men to their jobs and pay back $300,000 in back wages, and prior to this, this gentleman over here, Pete Roman, I know had worked for Gyrodyne and Peter had said to me that he fired Pete Roman because he was a union cardholder and he was going to weed out all of the known union cardholders. And he thought he had weeded them all out by firing the 80 people, and the 30 were known to be union cardholders.

And Peter, in previous conversations with -- in just general conversation --

MR. LYONS: I object to that. We are only referring to one conversation between March 23rd and 27th.

TRIAL EXAMINER: This particular conversation only.

Q (By Mr. Leiner) Did you, Mrs. Papadakos, did you finish your statement as to what this conversation was at 7 p.m. in the kitchen roughly at the end of March 1965?

A Yes, sir. It was primarily about the National Labor Relations Board hearings and these 30 employes who were union cardholders.

Q Did you have a conversation with him about the union thereafter?

A Yes, sir.

Q When was this?

A Well, this was on May 19th on a Wednesday night, and

I know it was Wednesday night because Tuesday, the day before, Peter and I had been at Riverhead with Bill McMahon. I was to give a deposition and I knew -- Peter said that day that Frank Lyons was at the National Labor Relations Board hearings, and so I knew it was Wednesday night that this conversation took place. Peter invited me out for dinner and we went to the Three Village Inn Restaurant.

Q How many times had you been invited out to dinner before this by Mr. Papadakos, Mrs. Papadakos?

A Well--

Q If you recall.

A Not many. This man just now started taking me out to dinner since this trouble has occurred. Within the past two months I would say.

Q What did he say to you and what did you say to him?

A While we were in the car driving to the Three Village Inn Restaurant I asked Peter how things had gone that day at the National Labor Relations Board hearing because he told me he was there that day at these hearings, and he said he was really up against it because they had too much evidence against him, indicating that they knew that he had fired these 30 men because of their union affiliations and my comment to Peter's statement was that he should never have fired these people in the first place if he knew they were union cardholders.

Q Did he ever mention anything to you about money or moneys that he would have to pay?

A Yes. He said if the union won this case he would have to reinstate these men to their jobs plus pay, the company would have to pay $300,000 in back wages.

MR. LEINER: No further questions.

MR. RUBENSTEIN: I would like to ask one question, Mr. Examiner.

Q (By Mr. Rubenstein) Mrs. Papadakos, you mentioned Peter Roman. Did you tell the trial attorney of the Board about Peter Roman before?

A No, sir. I just saw him here today and it refreshes my memory that many times Peter Roman had chauffeured me into New York City and had helped me with my grocery shopping, and I had mentioned to Peter what a fine man Peter was and how helpful he had been to me, and Peter said, "Well, this man is going to be fired because he is a known cardholder, a known union cardholder.

Q You say that this refreshed your memory just when you saw Mr. Peter Roman today?

A Yes. The man is sitting right there.

MR. RUBENSTEIN: Thank you. No further questions.

CROSS EXAMINATION

Q (By Mr. Lyons) Would you mind taking your dark glasses off, please?

present, so using a rule of thumb I said all right, we will disregard that but how about the materiality of it.

Now, if you want to go into my subjective thinking, I thought what are we going to get into; we are going to get into a domestic dispute, the credibility of the husband, the credibility of the wife, the credibility of the father-in-law will be involved, and it will be a dirty mess and I didn't want it.

MR. LEINER: I join you in that.

TRIAL EXAMINER: The reply to your petition for a special appeal showed that that would come out and still it was pressed, and still it is being pressed.

I am here in the unfortunate position of trying to do the right thing. The thing has been opened up. Credibility, motivation are most important here. The testimony has been given which, if believed, would convict Mr. Papadakos immediately of animosity toward the union, of having fired people for union activity, specifically one Mr. Roman and not so specifically 30 people.

That's all. Those are the issues in this case. Credibility questions have to be resolved. Unfortunately, I am the one that has to do it in the first instance. I don't like it. I don't like any part of it.

MR. LEINER: May I be heard? It seems to me when I was at law school and thereafter, the rule of evidence

that it is proper to take background testimony and that background may extend back to considerable periods of time.

I am also very much aware that the Board has said in no uncertain terms that background is background and the trial examiner is not justified in reaching back far into the distant past for background in an effort to connect it up with the unfair labor practices alleged in the complaint.

I have followed this case closely. I have had the benefit of a cursory review of the record during the recess of two weeks. The question occurred to me that perhaps my original ruling was wrong.

I did, as I say, consider the problem, consider the question, consider the record as it now stands, and I see no reason whatsoever to change my ruling.

Therefore, Mr. Leiner, your motion is denied.

MR. LEINER: Thank you, sir.

The second of the three motions I have, Mr. Examiner, is to ask you again and request you again to strike all of the cross-examination of Mrs. Papadakos which was had yesterday on the grounds that despite -- on two grounds: The first is that despite the assertions of counsel for respondent that he would connect up the fact that she was -- I will use this term only because it was used in the cross-examination -- under the influence of narcotics

or dope --

TRIAL EXAMINER: I didn't draw that inference. The question was asked and answered. There is nothing in the record to show that Mrs. Papadakos was anything other than normal with regard to her use of her faculties and her ability to hear and answer questions.

MR. LEINER: That some member of her family was committ to an insane asylum and therefore she was incompetent in some congenital way.

All of these inferences he would have you draw with unconnected--

TRIAL EXAMINER: You are misstating questions asked on cross-examination for facts attempted to be proved. I can draw no inference one way or another regarding the mental condition of Shirley, I believe her name was, Mrs. Papadakos' sister. It was during the course of cross-examination; nothing was established. I think nothing of it. It is out of my mind as far as the record is concerned.

However, I will let it stand on the record. It was a part of cross-examination and it shall remain so, so far as I am concerned.

MR. LEINER: I want to finish that line of my second motion, Mr. Examiner.

TRIAL EXAMINER: I'm sorry I interrupted.

will be a new subsection (c) to Paragraph 9 as I understand it

MR. LEINER: That's my understanding, yes, sir.

Can we have a two-minute adjournment, Mr. Examiner?

TRIAL EXAMINER: Yes, sir.

(Short recess)

TRIAL EXAMINER: On the record.

MR. LEINER: The General Counsel rests.

TRIAL EXAMINER: I am not going to be met now with a request for interruption of respondent's case to insert another witness, am I?

MR. RUBENSTEIN: Mr. Examiner, I have a witness -- I would like to subpoena a witness on behalf of the charging party. I hoped he would be here this morning and this is Mr. Vincent Gillan, an investigator for the respondent. I would like at this time to ask your indulgence to permit me holding back the examination or calling of Mr. Gillan so I may get a subpoena for him and have it in rebuttal testimony.

TRIAL EXAMINER: What's this, a sudden thought this morning? Did you know this yesterday or the day before or any time?

MR. RUBENSTEIN: Well, he was here I learned yesterday during the hearings here, that he was employed by the respondent on investigator work and I wish to subpoena him to show the Board, to prove and in support of the allegation

with Mr. Pieplow, I would just like to ask anybody to show me in the record or otherwise where there were any laid-off employees who were ever rehired by the company. Any laid-off employees alleged in the complaint who were ever rehired by the company.

These are gross errors of fact, Mr. Examiner. I know that you have ruled but I just don't think the record should remain in that state of inaccuracy.

I just want to show you that every single one of the references of Mr. Lyons, the factual elements in the transcript, are erroneous.

TRIAL EXAMINER: Yes, it is my custom to review statements of counsel, the arguments of counsel, both orally and in brief and in the record and I pay attention to all material facts.

MR. LEINER: I'm not suggesting that you take my statements of fact as fact. I'm not asking-- suggesting the contrary to Mr. Lyons.

MR. LYONS: Mr. Peter Papadakos, take the stand, please.

PETER PAPADAKOS

a witness called by and on behalf of Respondent, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Lyons) Mr.Papadakos, what is your job?

A I'm the president of the Gyrodyne Company of America, Inc.

Q What is the Gyrodyne Company of America?

A It is a concern engaged in manufacturing, primarily manufacturing of remotely controlled helicopters.

Q How long have you been so engaged?

A Well, since the -- since the organization of the company we have been engaged in helicopter research, in the manufacture and production of remotely controlled was authorized in 1958.

Q How long have you been the president?

A Since 1948.

Q Is that when the company was organized?

A The company was organized in 1946. My brother acted as interim president. It was a pepr company until 1948 and in '48, it became an active company.

Q In 1958, did you get a government contract?

A Yes, sir.

Q How many employees did you have in 1958?

A In 1958 -- may I check, sir, for an exact figure?

Q Sure. If you don't have -- Mr. Papadakos, let me tell you, if you are not able to answer a question, but you have something that will refresh your recollection, you may refer to it.

A On April 30, '58, we had 39 employees and on April 30,

'59, we had 83 employees. The contractual authorization to proceed with a remotely controlled helicopter, we call it a Drone, it was received on December 31, 1958.

Q Before 1958, did you ever have any more than 30 employees?

A Yes. Sometime in 1953, we reached up to 70. We were doing subcontract work. However, lack of additional work, the company went down in employment in the area of 20.

Q January 1 of 1959 you started to -- you say you got a contract from the Navy?

A That is correct.

Q And during that year did you work on Navy contracts?

A Yes, sir.

Q Did you have any outside contracts?

A To the best of my recollection, no. It was exclusively Navy.

Q How many employees did you have in 1960?

A On April 30, 1960, we reached 157.

Q In 1961, how many?

A 256.

Q 1962?

A 478.

Q 1963?

A 591.

Q 1964?

A 814.

Q 1965?

A 752.

Q Let me go to the 1964 figure again, it was 841?

A 814.

Q In 1965, you had how many?

A 752.

Q What was the greatest number of employees that you ever had?

A From this it appears, on a fiscal year basis,April 30, '64, 814. There might be a peak somewhere in between the fiscal year which I'm not aware of.

Q Do you know how many that you had at the beginning of June 1964?

A Before June, 1964?

Q Yes.

A Somewhere 814 or less. From April 30 to June '64, I would say it was 814 or less.

Q Mr. Papadakos, you now have, you say, 752?

A 752.

Q Would you tell me what the dollar volume of your business was in 1963?

MR. LEINER: Objection. Best evidence. Company records speak for themselves.

TRIAL EXAMINER: Do you have a memorandum from your

A We have been continuously running ahead of schedule and we delivered last December, either seven or nine vehicles ahead of schedule and we were told to decrease the deliveries in June in order to balance up, so after July, we will maintain per contracted schedule.

Q , By the way, did there used to be a penalty provision for late deliveries of contracts given to Gyrodyne?

A Yes, sir. In contracts on 532 and the 0251, they are designated the contracts for the 31 vehicles and the 100 vehicles, we had delivery penalties.

Q Do you have any now on your contracts?

A Not now, sir.

Q You say you had -- you delivered 136 birds as of April 30, 1965?

A For that fiscal year.

Q And that waswith the 751 employees?

A 752.

May I, sir, say the 752 is the figure of employment at the date of April 30, what the records indicate. There are fluctuations during the year,up or down and it does represent to some degree the average employment.

Q Mr.Papadakos, could you tell us what the earnings per share was in 1964 for the volume of sales?

A 1964, it was 73 cents per share and since we have -- we issued a stock dividend, if it was based on the present

number of shares, it would have been 71 cents per share.

Q What was the earnings per share in 1965?

A $1 .20 per share.

Q Then you have on the increased volume of sales to $24,000,000 and in the increased delivery to 136 birds, you have decreased your employment from 814 to 752 and you have increased your earnings from 71 or 73 cents a share to $1.26, is that right?

MR. LEINER: Objection. I ask that the answer be stricken. He has been led, led. The record speaks for itself as to what the earnings and what the profits were.

Mr. Lyons has been leading him all along here.

TRIAL EXAMINER: He hasn't been leading all along. It is technical information, essential information and the objection is purely technical.

Overruled.

Let's get these facts into the record.

A Per record, on April 30, '63, the employment was 591 employees. The earnings per share, 74 cents.

For April 30, '64, the number of employees, 814. The earnings per share 73 cents adjusted for the stock dividend, 17 cents.

For April 30, '65, employment 752, earnings per share, $1.20.

MR. RUBENSTEIN: Mr. Examiner, I see that the witness

for summaries of the witness' testimony?

TRIAL EXAMINER: I will not. I like to check and doublecheck as we go along here. The testimony comes out exactly as given by Mr. Papadakos.

Q May I have the answer?

A The answer is correct, except I said $1.20 per share.

Q That is for the earnings for this year, $1.20 per share?

A Right. Correction also, the summary of sales and inventory. I split it down that $21,750,000 sales and approximately $4-1/2 million inventory. The inventory does not reflect any earnings per share yet.

Q What type of contracts did you have in 1963, sir? Did they have a name?

A Type? You mean as far as -- well, we have received through the years, we started off with cost type contracts. And then -- which are cost plus fixed fee and later we had cost plus -- with incentive. Incentive type cost.

Q When did you have the cost incentive type contracts?

A The contracts referred to as 0532, I don't remember the first letters, NOAS 0532, and NOAS 0251, they are of the cost type incentive.

Q Would you describe what a cost incentive type contract is?

A Yes. You set a target cost and a fee.

Q Who sets it?

A During negotiations with the government.

Q Who negotiates?

A From Gyrodyne or from the government? Our contracts division negotiates with the government contract division, USN.

Q Do you know how those negotiations are carried on?

A Yes, sir, I have carried on quite a number of them.

Q Will you describe briefly how they are carried on?

A We submit -- in the preparation of a proposal, we submit to the government an estimated -- the estimated man hours to do a job of engineering, manufacturing, inspection, plus any other services that may be involved in the particular proposal.

Then we submit estimates what the hourly rates will be of the various direct labor categories and we also submit estimated rates of the various overhead rates, such engineering overhead, manufacturing overhead, general and administrative expense and material handling.

Those are forecasts andestimates of our own. We estimate them.

The government has on a continuous basis at the plant what they call auditors and they continuously audit and they try to forecast. Then we have the Navy representative at Beth Page who has an engineering, accounting,

MR. LYONS: May I continue, Mr. Trial Examiner?

TRIAL EXAMINER: Yes, the objection is overruled.

Q What type of contracts in addition to the cost incentive contracts have you worked on in the last two years?

A Well, in addition to that, we have fixed price incentive and the difference on a fixed price incentive from a cost type incentive is that the fixed price incentive carries a higher profit and it has a ceiling. If you reach the ceiling, then any expenses included beyond that point is borne 100 per cent by the company. The government doesnot participate.

While in the cost incentive, the government participates until the job is done. And in addition, we have firm fixed price contracts.

Q What is a firm fixed price contract?

A Where we have negotiated with the government a price to perform the job. Cost and profit. And if we do better than estimated, the profit is ours. If we do worse, then we have to pay. There is no sharing of the government in profits or in losses.

Q Did there come a time in 1963 in which there was a proposal concerning --

A May I also say that there are types of fixed price contracts which are in the R & D areas.

Q What does R & D mean?

A Research and development, where they call it their best effort contract. And where the government may ask you to stop at any point. I just wanted to get for the record, when I say there is no area of sharing in cost of savings, I want to take care of this technicality.

Q Did there come a time in December -- the latter part of 1963, in which you were negotiating a contract or proposals with the Navy?

MR. LEINER: Objection, Mr. Examiner. Mr. Lyons is leading him. He is suggesting the answer.

TRIAL EXAMINER: Didn't you at sometime or other examine at great length from representatives of the Navy concerning this particular matter?

MR. LEINER: Absolutely. It has nothing to do with the form of the question.

TRIAL EXAMINER: Don't youvant to get into the facts of this case? Stop --

MR. LEINER: He asked him when in December 1963 this occurred. This is perfectly legitimate, this objection. You took such vehement exception to my alleged leading of the witness.

TRIAL EXAMINER: Stop that. You stop that and stop it right now or you and I are going to go right to the man.. You stop.

MR. LEINER: I stop. I just wanted my objection on the record.

TRIAL EXAMINER: Let me have the pending question, please, Mr. Reporter.

(Question read)

A In December, '63, yes.

Q What type of proposals and contracts were you contemplating or negotiating at that time?

A In -- somewhere in October of '63 we were given authorization to proceed with long lead time items which were to be as part of the contract 0158, NOAS 0158, which was to be a fixed price incentive contract. The authorization was given to us as an item under the 0251 contract, and from there on was to be transferred from the 0251 to 0158 when the negotiations would have been completed.

The negotiations did carry through December, through December, and if I remember correctly, up to early part of January, where the contract was finally negotiated.

Q In December 1963 did you receive a personal letter from the Secretary of Defense concerning costs?

A Yes, sir, I did.

Q I show you this letter and I ask you if that is the letter that you received?

A Yes, sir. This is the letter I received.

MR. LYONS: I ask that it be marked for identification and then I offer it in evidence.

MR. LEINER: Counsel has not been shown the letter,

Mr. Examiner. It's normal procedure before the offer is made to be shown the letter. That was the procedure we followed.

TRIAL EXAMINER: You will have a chance to see it.

MR. LEINER: I now rise to object to the characterization by Mr. Lyons, I am now being shown a mimeographed letter, I now rise to object to the leading and suggestive and nonsensical entry into the record that this is a personal letter from Secretary McNamara. It's a mimeographed form. And that's why I object to his leading the witness and putting these statements in, in the form of questions. And I show you the letter that's the personal letter from Mr. McNamara, which was made so much of on the cross-examination of all General Counsel's witnesses. This rubbish. And misleading statements by Mr. Lyons in the form of questions.

MR. RUBENSTEIN: I object to it on the further ground it is improper, irrelevant and immaterial to the proceedings here.

MR. LEINER: I object to its being taken in evidence.

TRIAL EXAMINER: Respondent's Exhibit 19 -- 20 for identification.

(Thereupon the document referred to was marked Respondent's Exhibit No.20 for identification.)

TRIAL EXAMINER: Respondent's Exhibit 20 will be

received over objection.

(Respondent's Exhibit No. 20 for identification was received in evidence.)

Q (By Mr. Lyons) Mr. Papadakos, I showed you and now is in evidence a photostat of a letter from Defense Secretary McNamara.

You received the original of that letter from which the photostats were made, is that correct?

A That's correct.

Q At the same time in December of 1963 did you receive a personal letter from the White House?

A Yes, sir, I did.

Q I show you a photostat of that letter and ask you if you received the original of that photostat.

A Yes, sir, I did. I did receive the original.

MR. LEINER: May I be shown the letter, please? The original of the letter that's going in? I don't want any more personal letters going in evidence.

May I see the proposed offer, Mr. Examiner?

TRIAL EXAMINER: Yes.

Mark it Respondent's Exhibit 21 for identification.

(Thereupon the document referred to was marked Respondent's Exhibit No.21 for identification.)

MR. LYONS: I now offer in evidence Respondent's Exhibit 21 for identification.

MR. RUBENSTEIN: Mr. Trial Examiner, first, on behalf of the charging party, and I think maybe also the General Counsel will agree with me, I will concede that Secretary of Defense and the White House has from time to time issued letters to all its contractors advising them to reduce costs. There is no need to clog up the record with it. The two exhibits, Exhibit 20 and Exhibit 21, are copies of letters addressed to all the contractors in connection with this.

By the way, I see the witness shaking his head in confirmation, is that right? Therefore, I think we ought not clog up the record with such immaterial matters.

We will concede that the Defense Department and the White House are very much interested in reducing costs, and there is no need to clog the record up.

MR. LEINER: I agree with that. I also call the Trial Examiner's attention to the fact the dates of the letters are December 2, 1963, more than seven months before the substantial lay- offs in this matter.

TRIAL EXAMINER: Respondent's Exhibit 21 will be received in evidence over objection.

(Respondent's Exhibit No. 21 for identification was received in evidence.)

Q (By Mr. Lyons) Mr. Papadakos, at the end of April in 1965 did you receive a personal letter from the White

United States, I think it is vastly different than if the President of the United States stayed up at night and wrote a personal letter to Mr. Papadakos.

MR. RUBENSTEIN: I would like to object to the offer of this exhibit in evidence on the ground that it is totally irrelevant and immaterial and improper.

Even if it were a personal letter, which I doubt very much and I think it should not be named that, it is a statement to the company that -- a congratulation of some sort. It has nothing to do with the issues. I think it is totally improper, irrelevant and immaterial.

TRIAL EXAMINER: With regard to producing the original, I don't think it's necessary. You do have the original of this letter, Mr. Papadakos?

THE WITNESS: I have.

TRIAL EXAMINER: This isn't retyped or anything like that?

THE WITNESS: No, this is just a photo-offset.

TRIAL EXAMINER: Respondent's Exhibit 22 will be received over objection.

(Respondent's Exhibit No.22 for identification was received in evidence.)

MR. LEINER: I don't believe I have been provided with copies of R-20 and 21.

TRIAL EXAMINER: Do you have copies of the exhibits?

MR. LEINER: I have R-22 here and unless I misplaced it, I don't believe I have -- I was shown R-20 and 21 but I don't believe I have them.

MR. LYONS: I placed them down on the table in front of respective counsel.

As an aid to the hearing I will ask which is $-20 and which is R-21.

MR. LEINER: R-20 is the letter from McNamara and R-21 is the letter, I believe, from President Johnson.

MR. LYONS: Which one is missing?

TRIAL EXAMINER: Exhibit 20 is a letter of December 2nd from the Secretary of Defense. 21 is a letter of December 2nd signed by President Johnson. 22 is the letter of April 25, 1965.

MR. LEINER: I don't need any copies, Mr. Examiner.I will see them in the record.

MR. LYONS: I wonder if I could have a one-minute recess to just step out?

TRIAL EXAMINER: Yes, sir.

We will take five minutes.

(Short recess)

TRIAL EXAMINER: On the record.

Q (By Mr. Lyons) Mr. Papadakos, you testified before that there are Navy auditors checking your costs and charges at the plant; is that right?

A Yes, sir.

Q And there are Navy auditors at Bethpage and Navy engineers at Bethpage checking the progress of your work?

A Navy engineers and contract negotiators.

Q And in addition to the auditors at your plant, do you have a resident in charge from the Navy?

A Yes, sir.

Q Can you tell me whether in the latter part of 1963 and going into 1964, whether you were checking on your cost reduction in lieu of the letters that you received and the contracts that you were entering into?

MR. LEINER: Objection. He is leading the witness to an answer directly. The answer has got to be "yes." He specified the date, he specified what else he wanted in the question.

TRIAL EXAMINER: I suppose we better be technical, Mr. Lyons.

Q (By Mr. Lyons) What, if anything, did you do regarding your cost program in the latter part of 1963 and into 1964, up to and including June of 1964?

A The letters had an additional pressure, if we call it, because it was not only the letters but all the Government people had been informed of the drive to cut costs.

My number one step was to send copies of these letters to every employee, photographically produced, and we mailed

a copy to every employee. And then I took several technical steps within the company.

Do you wish me to --

Q I wish you to elaborate at your own length on this.

A First I requested my department heads to examine every area where a work must be done, say for a second and a third time, such as we receive, say, parts from vendors and we inspect them, they are no good, we send them back and they return them again. So I asked that every effort be made to eliminate this situation. I instructed the engineers, tool designers, quality control people participate in an all-out effort to help the vendors to produce a better quality product so that we receive it and we inspect it only once, we don't have to ship it back and forth, and because that is an obvious area of cost reduction.

The second thing is I asked that every operation of ours, either machining or manufacturing or assembly, be re-examined to determine if adequate -- if there is adequate tooling, and I told them to proceed, not to worry about tooling money. Tooling will always save man hours and not to look at the tooling account but look if tooling can help accelerate assembly operations or manufacturing operations or increase or improve the quality of the work because quality ties in very closely in the process of

assembly in reducing man hours.

I asked the engineering department to determine if any simplifications, any opening of tolerances could be made which in turn reduced manufacturing time and assembly time.

And beyond those points, I asked them to further use their imagination, taking my points as leads, and determine from their own in order to develop a chain reaction.

Q Are you finished?

A This is the steps that I took.

Q And as a result of these steps were certain actions taken?

A Every step -- action was taken at every step and every step has produced results. We -- may I continue?

Q Go ahead.

A We started getting a better quality from the vendors which meant inspecting only once, and as the quality of the vendor kept on being good and maintaining quality standards, then we could apply the sampling plan, which means not a hundred percent inspection any longer, but sampling the shipment.

All this had a substantial effect in reducing man hours required for inspection.

As a by-product of this, whatever this components were to be assembled, the assembly people will not

encounter problems and therefore it had as a by-product reducing assembly time.

The addition of tooling in the assembly area further helped to reduce assembly time. So, in over-all, tolling on the one hand, methodizing and improving the quality, open tolerances, they all contributed towards reducing man hours required to produce the product.

Q And getting to more specific departments, what, if anything, was done in the packaging department?

A The packaging department, it was created during the period that we were acting as the Government warehouse.

MR. RUBENSTEIN: Objected to as not responsive.

TRIAL EXAMINER: Overruled.

Q (By Mr. Lyons) Continue.

A And as the time goes on and the Government becomes its own warehouse, which took effect in 1963, we then gradually had to get out of being the warehousing agent and we became just the shipping. The packaging requirements became smaller but, more, we found that extra people specializing in that category could do the work much, much more economically than we could. We were not specialists in packaging.

When the great difference between costs for us to package and having a specialty firm do the packaging became too obvious, there was only one decision to make.

Ask the specialists to perform this particular function. The Government encourages that.

Q Was Mr. Caliendo a supervisor whose province took in the packaging department?

A Yes, sir, during this period.

Q Now, in connection with the blade shop, can you tell me whether any tooling was done and any machine bought during this period of 19 -- late 1963 and 1964?

MR. RUBENSTEON: I object to the question as leading.

TRIAL EXAMINER: Oh, Mr. Rubenstein, please.

Will you answer the question, Mr. Papadakos?

THE WITNESS: Yes, sir.

A The blade shop, I made an all-out effort to -- I had thr objectives. One objective was, first I want to improve the working conditions. Now, the smell of glue and all that, because I had trouble keeping personnel.

Two was, I wanted to clean up the place to reduce a fire hazard. And knowing that goodhousekeeping always improves production. And, three, I ordered an all-out additional tooling and new tooling such as exhaust fans be placed over the routing equipment, and all, which helps production and improves working conditions, which in turn helps production. A well-pleased worker, pleased as far as his working conditions are concerned.

So there was a considerable effort made in the blade

shop area.

And then, of course, from time to time we were getting bad quality. Something was set in that we felt unless we keep a very good clean place and methodical, we will eliminate this blade rejection, and we achieved that.

Q Was Mr. Peter Ackles in a supervisory capacity regarding the blade shop?

A Yes, sir.

MR. LEINER: Objection.

TRIAL EXAMINER: What's the objection? Is there any doubt about it?

MR. LEINER: I didn't know that Peter Ackles was the supervisor of the blade shop.

I will withdraw the objection, Mr. Examiner.

Q (By Mr. Lyons) Would you tell us what was done regarding the delivery of materials and the obtaining of delivery of materials in connection with the motor pool at Gyrodyne?

A The motor pool -- sir, I would like a little background. We have moved from the development phase to the production phase. During the development phase you tried to make something work. This job that we have been performing we have been the prime contractor -- the weapons systems where we had involved the effort of several companies in providing us with the sample components or original

engineering models in order to make this final product work.

As a result, air shipments back and forth on a continuous basis from California where we had several outfits providing us with material, and in Phoenix, Arizona, plus other parts of the country, and little station wagons with a driver were adequate at the time running to the airport, picking up the special delivery packages, bringing them to the plant. They performed tasks, bring them to the plant, then we will test such components. In many instances we will find defects and then we will ship them back to our vendors.

Normally we will hold engineering conferences and making efforts in working towards making such components, bringing them I will say to the production proceed to type stages.

As this developmental work is passing into the production stages and now a full shipment can be shipped from a plant to us, I no longer saw any reason why airlines have to be used, and we have to be right there picking up. The lead time now permits us to use public transportation.

In many instances I asked our procurement department to work up f.o.b. St. James arrangements with the various vendors. All this effort has been going on for some time,

MR. LEINER: We are getting the answer? I see. Okay.

A In estimating costs I may even go a little further, if I am allowed, please.

The first deliveries to the Navy of the present product were made in November of 1962. Between the period of January 1963 and June 1963 there were no deliveries. There was manufacture but no deliveries.

Q Would you please fix those dates again, sir? I didn't follow you.

A Between January 1963 and June 1963 there were no deliveries. The vehicles were grounded. We had found certain defects and the Government instituted a test program at Pawtuxent River, Maryland, in working -- trying to work out the various defects, and we of course, working at the plant, and when I say the Government, under Government's direction, but we performing the work. And then we resumed deliveries after June of 1963.

In the meantime we are facing a problem where up to this period very few vehicles have been delivered to the Navy. We have a contract at that point for, our major contract, the first major contract was the 0251 contract for 100 vehicles which was to start at January '64. So you may say until the end of '63 we had more or less gone through our development and gotten out 92 vehicles, from development -- from 1960 through the end of 1963.

So the question - how much these vehicles would cost how many man hours will take, it was a great puzzle, the puzzle being because you cannot know in advance what steps you will be able to take in future time. It is the process of evolution, so we have been on a continuous basis trying to make our best estimates in order to forecast manpower requirements, hire such manpower, train it in anticipation we knew we had to go from 41 vehicles one year to 100, to 186. That's a very accelerated production. And we used our best estimates.

On the other hand, this economy drive is a continuous pounding thing and -- so, therefore, the process of how to reduce costs on one hand, and how to have adequate manpower on the other hand, to deliver the requirement, is a continuous task. That's a continuous management task. So, therefore, in direct answer to the question it has always been a subject of trying to reduce man hours and trying to have sufficient manpower to do what's required.

There was always a certain amount of pressure from the Government. They were looking from 31 to 100 to 186 and we had a rather small organization and there were questions about the capability of being able to produce that many.

Statements such as Gyrodyne has the brains, the

cost conscious. I move to stop this witness. I object to his statement. We concede that.

MR. LEINER: I do not join in that motion by the charging party.

TRIAL EXAMINER: Go ahead, Mr. Papadakos.

THE WITNESS: And the company is, and especially was engaged in a major weapons system. We developed such major weapon system in about half the time that normally such a weapons system can be developed.

This is a matter of record in the Department of the Navy. It has been considered a miracle in modern scientific accomplishment. We had to move with the same speed or even faster now that the development had been accomplished to start the outfitting of the destroyers. We, therefore, when you accelerate and you move fast, it is possible that you may make some over-estimates in certain areas.

It is also possible that anticipations in items that have been promised before may not come and your planning many times, it is an item of continuous evaluation. You look what we call the crystal ball which many times is foggy, telling you the future. And this is continuously our job in looking. Today is foggy. Yesterday was foggy. Next day becomes clearer and then foggy again. It's a continuous process and there is a continuous work with

to it. He is still your witness.

MR. LYONS: Thank you.

(Whereupon, at 1.03 p.m. a recess was taken until 2 p.m.)

...

AFTERNOON SESSION (2 p.m.)

TRIAL EXAMINER: On the record.

Whenever you are ready.

MR. LYONS: May I have the last question?

TRIAL EXAMINER: You were referring to June 1964 and any reductions that took place thereafter, Mr. Lyons.

PETER J. PAPADAKOS

resumed the stand.

DIRECT EXAMINATION (cont'd)

Q (By Mr. Lyons) Mr. Papadakos, there were reductions in force of personnel in June of 1964 or specifically June 19th and June 29th.

Now, will you tell the Trial Examiner what conversations and with whom there were conversations concerning this reduction in personnel as far as lay-offs were concerned, not regarding termination based on work habits.

A Well, the three primary head departments, Mr. Ackles, Mr. Hollowedel and Mr. Caliendo, the first one representing manufacturing, the second one quality control--

let me be specific, Mr. Ackles representing manufacturing, Mr. Hollowedel, quality control, and Mr. Caliendo, production, planning, packaging, transportation, et cetera. With these people I -- having had several discussions and meetings in our manpower requirements, this is the period that we were preparing a proposal for the follow-on procurement; specifically we started preparing the proposal from April 2nd and was due June 30th, and during this period we had to estimate our manpower requirements, our rates in order to prepare a proposal for the Government. It's the period where we examined and re-examined our actual records. It's the period that we tried to see what additional ingenuity if any can be used, you know, for cost reduction and for offering the Government the best price we can.

So simultaneously it became quite apparent that we had quite a bit surplus manpower as a result of the drives we had instituted, you know, early in the year.

I want to emphasize that this is in reality the first production contract, that we were like a production firm from January through this period, and from then on. So there has been considerable amount of learning and considerable amount of information that we are pulling together.

Based on all that, each man, each department head

had to evaluate every function and to determine the minimum amount of manpower required, and I requested that they determine the minimum and then we will discuss what margins will apply.

Margins I call, because we have to estimate what work and spares we will have in addition to the basic contract, what illness, death, et cetera.

We always try to maintain some margin over and above the basic work. I told him that that one we have to determine in conference.

I gave the instructions -- we always do that to -- in making up the list of surplus manpower to give consideration to the length of services. After that consideration, then to give consideration to the capabilities of the individuals. And we always -- I have always emphasized throughout the tenure of this company that either in discharge or in lay-offs personal feelings should never interfere and always such a thing should be ironed out.

That's for the record. Those were my instructions.

Q At any time during these conversations running from the spring of 1964 up to June concerning reduction in personnel, was there ever any consideration given to whether an employee was active in union affairs?

MR. LEINER: Objection.

A Absolutely no.

MR. LEINER: Objection. Is this type of question going to be allowed where he puts the answer in his mouth? The General Counsel was under the greatest stricture never, never to ask questions like that and how these questions are -- the answers are being put in the witness's mouth.

This is the president and chairman of the board testifying. He is leading him right to the answer.

Read it back, just read it back.

TRIAL EXAMINER: I have come to the conclusion that you don't know the difference between a proper question and an improper question.

Overruled.

I think the answer is in the record.

A The answer is "no."

Q (By Mr. Lyons) With regard to the lay-offs, can you tell me this, sir: With regard to the lay-offs in production and maintenance departments that are the subject of the charges here, can you tell me from July 1st 1964 up to and including the present day has any personnel been hired in those departments, either production or maintenance, by the respondent Gyrodyne Company of America?

A No, sir. No one has been hired, and, in addition, after these lay-offs, after July 20th, 45 additional people

in the same departments have either been laid off or they have resigned or some have been discharged, and no addition, no replacement has been made.

MR. RUBENSTEIN: I move to strike the second part of the answer as to what has happened after June 30, 1964, as not responsive..

TRIAL EXAMINER: Motion is denied.

Q (By Mr. Lyons) So you say that in addition to the non-hiring of any replacements for these, that there has been an additional 45 persons that have been terminated from production and maintenance and no one has been hired in their place?

A Yes, sir.

MR. RUBENSTEIN: This has been testified to already, Mr. Examiner.

TRIAL EXAMINER: Will you stop interrupting, please?

MR. RUBENSTEIN: Mr. Examiner, can't I sometimes object on behalf of my client?

TRIAL EXAMINER: All you are doing is interrupting the normal progress of the --

MR. RUBENSTEIN: At least I am entitled to make an objection that I think is due and your admonition telling me every time I make an objection not to interrupt--

TRIAL EXAMINER: All you are doing is interrupting normal examination of the witness.

MR. RUBENSTEIN: Have I a right to make an objection? Even though I may be wrong on it?

TRIAL EXAMINER: In other words, you are telling me that you can object to every question that's asked? Is that what you mean?

MR. RUBENSTEIN: No. But I should have the right under the Board rules, and I think under United States Constitution and court procedure if I represent a client feel that something is improper, to object. You can rule me out of order. But I think I should have that right.

TRIAL EXAMINER: It's yours at all times if you exercise it properly.

MR. RUBENSTEIN: I have been making less objection than any of the parties here, Mr. Examiner. Read the record. And I have been jumped upon every time I say anything or make an objection. I don't know why.

Q (By Mr. Lyons) Mr. Papadakos, did you make a speech to the employes in June of 1964?

A Yes, sir.

Q And tell me this: What day was the day of the speech, the first speech?

A I believe it was June 11th, sir, 1964.

Q How many people attended that first meeting, that first speech?

A It was a companywide invitation. Excluded were those

who were not there, who were out on field service. I don't know the exact number who attended but it was a hundred percent invitation.

Q And how did the people sit there?

A On chairs.

Q What kind of chairs?

A Folding chairs.

Q Where did you get the folding chairs?

A We had to get them from a company that has chairs to be rented.

Q Do you know when they were rented?

A I presume a couple days, two, three days before the meeting.

Q Do you know how long it took to set the chairs up?

A Well, a minimum time because we had to move the production birds outside and it had to be a kind of coordinated effort. This was not an auditorium space. We emptied the production line and moved the chairs in and some of my people there are pretty good planners.

Frankly, I don't know how long it took them, but one estimate, maybe three, four hours to empty and set up. I never checked that.

Q This was in the main production part of your plant?

A Naturally. We emptied the production part of the plant to put the chairs in.

Q At the time that you made this speech had there been for some period of time a union campaign against -- rather, an organizational drive regarding Gyrodyne?

A Yes.

Q And when did that start as regards the UAW?

A I have not personally kept a record, but I understand it started -- it was on for about 18 months at this time.

Q And during that 18 months had you seen many, many throwaways and leaflets and pamphlets?

A Well, I have seen some. I haven't seen them all, but I have seen some.

Q During this 18-month period about how many would you say you saw?

A Personally I have seen 20 or 30. Some of that is the standard format. I am used to seeing it.

Q Since you have been the president of Gyrodyne have you ever had any other unions?

A Yes, sir. We have had two elections and I don't know how many unions. The unions have been -- it's one of those standard things. One leaves, the other one comes. Part of our way of life.

Q And you were aware of this at the time that you made the speech, is that right?

A Yes, sir. I don't think there is any time that I can make a speech that somebody will not be around the gate

Q And you have made speeches before to your people, haven't you?

A Yes, sir.

Q And you have made companywide speeches?

A Yes, sir.

Q And have you made speeches to smaller groups?

A Yes, sir.

Q Do you make speeches every day to committees?

A Yes, sir. I am more or less running the company on committees, conferences. I get a group, philosophize, giving instructions, and that's the way I run the company.

Q On this first day's speech, about how long did it take?

A I would say about an hour and a half. I believe I started about 2.30 or something. I haven't checked exactly, but that's about it.

Q I don't want you to give us the hour and a half speech but I wonder if you would tell us in synopsis form what the speech was about.

A Well, it's always I have the same theme and I always-- I am not preparing a speech. I am trying to communicate with the people and trying to see from their reaction how I am going to convey my message, and I always have the same message to convey.

Number one is the facts what we have accomplished,

where we are. This is information.

And then tell them what is in the crystal ball. We have one customer and one product. All our efforts to get something additional to this date have failed. So we must understand the importance of us performing in this particular area because it's the only livelihood that we have.

I have to ask the engineers and those who have inventiveness to simplify the product and make it more reliable with -- on the other hand, simplification means a reduction of work and lay-offs unless you get work. So I have a controversial problem. I ask the people to become efficient, to work harder, which means then it will take perhaps less people to do the same job. So I have to come out and I cannot say bluntly, I'm trying to ask people to eliminate jobs of others. That's a difficult subject to convey across. But that is about the only thing I can do. That's the only way I can deliver a lower-priced product. And a more reliable product. And a more reliable product may mean less units required.

If the Government gets a few units which will live forever, that's all they will require, and that is the theme.

Then I am faced always with the other problem that everybody wants to know what he can do to get ahead

and I am starting sometimes facetiously saying I would like somebody to tell me too because people envies a Utopia where you work hard and have no headaches.

As far as I know, there is not such a Utopia, but, however, I am asked to tell people how to get to that Utopia.

That's the synopsis.

Now, if you want me specifically to say what I said in that speech -- that was my theme. It has always been the same theme presented in different words at different times, trying to communicate, and I do know that it is part pleasant and pattly displeasant, but it is the reality.

Q And at that time did you discuss the backlog of work?

A Yes, sir. To the best figure I had at the time I disclosed. Whatever is fact, is fact. I disclosed the facts.

Q Did you use the figure that there was a backlog of some millions of dollars worth of work?

A Yes, sir, I did.

Q And at that meeting did you also discuss a medical benefit to the employes regarding certain insurance benefits?

A Yes. On that one I may say it's just a continuoug granting of fringe benefits. The company starts with Blue Cross only back in '51 where an employee had to pay

the total expense. As times went on we added life insurance and then we increased the life insurance. We started, the company started picking up a percentage of the cost. Time moved on, we added major medical. We reached the point where only $1.50 was paid by a married employee, a single employee, 50 cents, and finally now they pay nothing for all these particular fringe benefits.

Q Can you tell me this - is that an allowable cost to Gyrodyne by the Navy?

A Yes, sir, it is.

Q And had this been contemplated for some period of time before--

MR. LEINER: Objection.

A Yes, sir.

MR. RUBENSTEIN: Objection, Mr. Examiner.

TRIAL EXAMINER: Yes?

MR. RUBENSTEIN: I objected to the question as leading and as improper and irrelevant and as self-serving.

TRIAL EXAMINER: It may be leading but it's been gone into on the direct case.

Reframe the question, will you please, Mr. Lyons?

Q (By Mr. Lyons) What, if anything, was done regarding the allowance for the cost of this fringe benefit that you announced at this meeting?

A The old fringe benefits -- all fringe benefits are

A Sure. We were talking continuously.

Q Were you talking on one subject or many subjects?

A Well, primarily I remember the basic subject, it was the noise and as to whether this complaint was a legitimate complaint and what could be done to be a good neighbor.

Q Do you have any recollection now or since I have asked you about this concerning whether you had any discussion whatsoever with Commander Scheperle present with these other Navy officers, do you remember whether you did or not?

A I don't remember specifically, but I wouldn't deny that I had conversations. I mean, we were an informal walk and there by the land.

Q But as far as you are concerned, you have no recollection of these conversations, do you?

A No, sir, I do not. I mean, except for the primary purpose, the noise.

Q Mr. Papadakos, after the discharges in -- rather, just one point. You mentioned the word "spares" before in connection with certain evaluation of your manpower requirements.

What is a spare, sir?

A Well, if say the Government will buy a number of helicopters, they will normally buy also a percent

of that number in spare components. At the beginning such components are being estimated on a percent basis using, say, accepted practice. Something like 25 percent.

However, as time goes on and experience is gained, the Government learns in this particular product what is the spare consumption and as test programs take place, the company normally recommends what the spare requirements should be and the procurement is made accordingly.

In our case we start off with a conventional, something of the order of 25 percent on spares, and as time has gone on this spares are being reduced because we have performed test programs and we have recommend to the Government, for instance, say spare transmissions.

First we recommended 240 hours. Then we went and said this transmission is good for 480. So use it for 480 and buy less transmissions.

And now we have told the Government use the transmissi for a thousand hours, which means buy substantially less.

Our tests service in many instances to reduce materiel requirements.

MR. RUBENSTEIN: I now move that all the answer except the first sentence stating what is a spare component, be stricken from the record as not responsive. And I ask that you admonish the witness to answer the question and not go each time on a long dissertation.

TRIAL EXAMINER: Your motion is denied.

Q (By Mr. Lyons) Mr. Papadakos, in relation to the work on spares or spare contracts, was there a diminution or a reduction of that work in 1964?

A Yes, sir. There was an inside reduction from two aspects.

Number one, less spares to be required.

And, two, the Government started competitive procurement In some instances what's known as a breakout. They will send us a quotation and they will ask others, so there was a clear indication of anticipated spare reduction.

Q How would that affect the work in the different departments of your plant?

A Well, that would mean less work. I made -- may I add this point, sir, that there is another type of material--

MR. LEINER: I object to this answer as being completely voluntary. No question before the witness.

TRIAL EXAMINER: This is the first time during the hearing of this case it started to make a little bit of sense to me. I would like to hear the answer. I really would.

MR. LEINER: You say this is the first time the case makes sense to you?

TRIAL EXAMINER: It's beginning to make a little sense, yes. I am beginning to find out something about the operation

MR. LEINER: I object to it, Mr. Trial Examiner. It is outside the time specified in the complaint.

MR. RUBENSTEIN: I further object to it as a self-serving declaration apparently prepared for the purpose of this hearing, being dated May 11, 1965, after the hearings were scheduled, and it is totally improper to offer it in evidence as some sort of a defense.

TRIAL EXAMINER: Respondent's Exhibit 23 is received in evidence over objection.

(Respondent's Exhibit No.23 for identification was received in evidence.)

TRIAL EXAMINER: What is the telemetry?

THE WITNESS: It's a radio with telemetering. We measure something and we are sending the information back through radio. So we are metering far away.

TRIAL EXAMINER: We will stand in recess for ten minutes.

(Short recess)

TRIAL EXAMINER: On the record.

Q (By Mr. Lyons) Mr. Papadakos, I believe I asked you so I will make the question very short - did you ever answer any of the leaflets and pamphlets that were distributed outside of your company gates from January 1963 to June 30, 1964?

A No.

Q Can you tell me, sir, if you know, whether there was ever an unfair labor practice charge filed against Gyrodyne in the years that you have been president?

MR. LEINER: Objection. His knowledge of the fact, even if proved, is immaterial and irrelevant.

TRIAL EXAMINER: Yes, I would be inclined to sustain the objection. I don't know that it makes much difference.

MR. LEINER: May I ask the Trial Examiner to take official notice that no such charge has ever been filed?

TRIAL EXAMINER: I will put it in reverse. I will take official notice of any charge that is on the record as having been filed.

Q (By Mr. Lyons) Mr. Papadakos, I want to get to a couple of specific instances regarding certain men who have testified here about conversations with you.

Do you know a Mr. Lodato?

A Yes, sir.

Q Can you tell me about whether you had a conversation with him on or about June 29th -- wait a moment until I get the exact date -- June 19, 1964?

A I wouldn't remember the date, sir. But I do recall that Frank was in the parking lot in my way of coming to the plant and he asked me, he wanted to talk with me and we had a chat.

Q How long did you talk to him?

A How long?

Q Yes.

A I don't know. Could be 15, 20 minutes. I didn't time myself. I listened to what he had to tell me and we finished our conversation.

Q What was the conversation you had with him?

A He told me that he -- I mean, losing his job, it was a hardship and I told him I appreciate that, how bad I feel for anyone to lose his job, and that we -- we had -- we had looked around to find whatever we could if there was a job. I was aware for his case because I know Frank being one of the earlier people there. I know how he started and how he advanced and he had his heart attack and we tried to find a soft job for him and we put him on a job that had no previous experience and trained him, and once the department was abolished --

Q What department was that?

A That was in the packaging. He was a packaging inspector. That it was hard to find for him something. I recommended to him -- I understand that -- I have seen the record and I understand that he said I offered him a job, offer to -- that I will intervene to get him a job with the Allied Maintenance.

My recollection is, knowing that he had a heart attack, I offered him I'll intervene to hire him as a guard.

However, I wouldn't dispute it. It's a question of memory here. But my intention was I would in one of those areas that we had outside services, I could request the particular company to take one of their men out and put Frank in. That's the intention I expressed.

Q What did he say?

A He said to me that guards make only $1.75 and that's not enough and I told him, well, it's sometimes better than nothing for a moment, because you don't know how things turn out in the future. And that was about the gist of the conversation.

I never heard from him, so therefore I never interfered to get him something.

Q Mr. Papadakos, can you tell me whether Allied Maintenance has union employes in your plant?

A Yes, sir.

MR. LEINER: Objection.

TRIAL EXAMINER: Just a moment, please. Whether Allied Maintenance has union employes in Gyrodyne?

MR. LYONS: Yes.

TRIAL EXAMINER: If you know.

A Yes. All the Allied Maintenance employees are union.

17

knew were pro union. He didn't say how he knew who was pro union and who was not.

"In January of 1964, I moved to Florida. The conversation referred to above happened before I moved."

Mr. Papadakos, before January of 1964, did you have any conversation with Dorothy Papadakos in which you said you had laid off about 30 men who were pro union?

A No, sir.

Q Let me ask you this. In 1963, for the whole year s tarting back from December, November and all, do you know how many people were terminated in production and maintenance in Gyrodyne?

MR. LEINER: Objection. This was an area not permitted General Counsel to go into with regard to showing background of how many people were terminated.

TRIAL EXAMINER: You are overruled.

A I don't know how many were terminated. However, we had no lay off in '63 and those who were terminated, most of them were under the probationary period or people who were not performing properly and those are not items of significance for me to try to carry in memory or even discuss.

Q Do you have a record of 30 men being laid off in 1963 or making any statement concerning any that were laid off in 1963 because they were pro union?

21

the money and that last loan was repaid.

Q Did you ever give either Mr. Johnson or his wife any shares of stock in Gyrodyne?

A Yes. I give them at the time she was sick a hundred shares to each one, which I also liquidated and she got the cash.

Q Getting to this conversation of March of 1965, do you remember that he was in your home as your guest, is that right?

A Yes, sir.

Q And do you remember that sometime there was a conversation with him in which your daughter was present?

A In which--

Q I mean your wife was present?

A If I recall a conversation?

Q Concerning testimony that was given here yesterday relative to 30 people who were terminated from Gyrodyne.

A The only statement that I have made either to my father-in-law or th my wife together or non-together, is that there is a case pending where a -- despite a substantial number of people have been laid off, the government claims that I had prejudice against 30. I only explained what the case was about. I made the remark that it was a totally unjustified case because I was accused of being prejudiced on a portion of the people that they

Mr. Lyons, I understood that you had concluded your direct examination of Mr. Papadakos.

MR. LYONS: Yes, I have.

TRIAL EXAMINER: We will take a 10-minute recess.

(Short recess)

TRIAL EXAMINER: On the record.

PETER J. PAPADAKOS

resumed the stand.

TRIAL EXAMINER: Your witness, Mr. Leiner.

MR. LEINER: May I proceed in questioning the witness seated, please?

TRIAL EXAMINER: Yes.

CROSS EXAMINATION

Q (By Mr. Leiner) Did you testify, Mr. Papadakos, in response to a question by Mr. Lyons that you were too intelligent to have incriminated yourself by telling Mr. Johnson and Mrs. Dorothy Papadakos that you discharged the 30 employes because of their union activities?

A Yes, I said that. I said if I were guilty, I'm too intelligent to incriminate myself.

Q You didn't discuss your speculations and knowledge of how far the union had organized the employes of your plant with anyone, did you?

A No, sir.

Q You did not?

MR. LYONS: Mr. Trial Examiner, may I ask the witness be instructed if I stand to make an objection, that he not answer until there is a ruling?

TRIAL EXAMINER: When you see any of counsel on their feet, please don't answer.

MR. LYONS: I object to the question concerning any transactions four years ago.

TRIAL EXAMINER: This is not exactly a transaction. I will permit it. In essence, as I get the question, it is whether or not in 1961, at which time there were 256 employes at the end of the fiscal year, whether Mr. Papadakos knew each one of them personally.

THE WITNESS: I answered, sir, I have been trying to know as many as possible of our people.

Q (By Mr. Leiner) Did you know the employes in 1962 in the blade department?

A In where?

Q In the blade department of your company.

A A few people.

Q Did you know Albert Morel?

A Albert Morel, yes.

Q Do you know what his duties were in the period commencing January, 1964, through June, 1964?

A Commencing January '64 to June '64?

Q Yes.

becomes hostile, I will declare him hostile and we will meet that situation at that time.

MR. LEINER: I would merely suggest to you, sir, that although he is patently not hostile at this moment, I cannot conceive of any situation in this adversary proceeding in which he would not be hostile to the interests of the General Counsel, but I will proceed.

Q (By Mr. Leiner) Did you testify, Mr. Papadakos, that the employes working in association with Harry Hoffman were told to obey his orders?

A As far as performing the technical duties to which they were assigned, yes.

Q How many of them were there, do you recall?

A I don't know.

Q Now, in the period January through June of 1964 do you know whether Mr. Hoffman was promoted?

A Promoted which way?

Q Upwards.

A A raise?

Q A raise in pay, raise in responsibilities.

A I would say that he may have gotten a raise in pay, but if you were to consider overlooking work of others a responsibility, then he got a demotion because he has less people to overlook work now than he did before.

Q In view of what you have just testified to, can you

tell us approximately how many he overlooked before and how many he overlooks now?

A Well, I do know that before he overlooked the packaging department, which no longer exists, and that had some people, and there was the warehousing which had inventory personnel and all that, which that has been substantially reduced. And that's it. We can find this information from records.

Q So, as you put it, he oversaw the packaging department and the warehousing department?

A That's right.

Q What I am asking you now is, approximately how many employes were in the packaging department in or about the period January through the middle of June, 1964?

A Such information exists in the records, and therefore it can become available to you through the records.

Q Are you testifying that you have no recollection or no knowledge of approximately how many employes were employed in the warehouse department or in the packaging department when in January through June 1964 Mr. Hoffman oversaw them?

A The fluctuation of people and dates, it puts a burden on me when I have to give numbers. I like to be very close and therefore instead of guessing we shall apply the information what actually has been.

Q You are an engineer, Mr. Papadakos?
A Yes, sir.
Q I know you work to close tolerances.
A That's right. And sloppiness doesn't go with me.
Q Especially in the sophisticated weapons system that you manufacture, sloppiness would be a disgrace?
A Yes, sir.
Q Especially an engineer of your background.
Well, when Mr. Harry Hoffman was overseeing the warehouse department, the employes in the warehouse department and the employes in the packaging department, did he oversee Joe Bruno?
A We have to check the records, sir.
Q You don't know?
A If Joe Bruno was in the packaging department when Mr. Hoffman was supervising, then -- he asked me if Bruno was being supervised by Mr. Hoffman. I said if he was working there at the time that Mr. Hoffman was overlooking the work, then that's the fact. So we have to consult for those their names and periods and the changes in personnel turnover. So I cannot, with so many people and so many things involved in here. That's the reason we pay people to keep records and such records can become available. They are open.
Q Would you know or do you know, Mr. Papadakos, whether

Joe Bruno was the foreman or supervisor in the packaging department in the period January through June 1964?

A I would say to you I have a recollection that Joe Bruno held a lead man's position.

I will not state what period, because I cannot be sure of myself. But he has held a lead man's position. That I do recall.

Q And as a lead man did he have the power to oversee the employes in the packaging department in the same way that Mr. Hoffman?

A Yes, I would say so.

Q Was Jack Burke a lead man in the packaging department?

A I could not tell you, sir.

Q You don't recall?

A No. There are certain names that I have heard more times than others and some I remember. Others, one shot or two shots, I cannot remember.

Q I ask you if you know the names Al Beltran and Don Cook.

A Al Beltran and Don Cook, I know those names.

Q Are they lead men in the avionics inspection department?

A Yes, sir.

Q And were they lead men in the avionics inspection department in the period January 1, 1964, through June 30, 19 -- July 1, 1964?

the activities of the employes for the past year, and then we give a raise for the year to come.

However, we have also people who do not have a year of services. Maybe some came in,in September. More come in,in June. Eight months, 12 months. So we may decide if they have excellent performance, give them a raise even though they are there seven months or even three months. And some not give anything and some if they are nine months, and some say no, this has to wait for a year until he gets his.

Q So there are no automatic across-the-board raises to the production and maintenance department at the end of each year for the following year?

A I don't know what you mean by the word "automatic."

Q That everybody gets a dime or more.

A If you say that everyone who has been there for twelve months, if he got a dime or more, I would say they did. However, it was not by any automatic policy. It was by evaluation and maybe somebody gets 15 cents, a quarter.

Q Or less than a dime?

A I don't think a man with a year's service got less than a dime.

TRIAL EXAMINER: An automatic increase usually contemplates that an employee in a particular job classificat

Q Well, do you recall whether it was more than ten in the machine shop?

A Well, I would say to you -- if I have to give numbers, an accurate figure, I have to refer to the records. I would estimate -- not estimate; could be say 12 plus or minus four. Anywhere from 8 to 16; for an accurate answer there, consult the records.

Q Well, do you know the name of James Manico?

A Yes, sir.

Q Was he in charge of the night shift in the machine shop in the period December 1963 through June 30, 1964?

A James Manico was put in on the night shift to work as a work over--

Q Overseer?

A --overseer plus, plus a property overseer. He had more responsibility than I would use a term "work overseer." In other words, if there were problems, not of technical nature but of -- well, of personnel, those kind of problems that came out, somebody got hurt and somebody was responsible to see to it that the ambulance was called and all that, he was responsible for that. But the work had been laid out during the day by Mr. Mancini and Mr. Huber primarily and he told -- Manico would have received directions from Mr. Mancini, you know, what jobs to run, what machines and in all probability which man

A I don't remember now the year. I don't remember if it was '63 or if it was '64.

Q It was either January '63 or January '64?

A I believe so. I would rafer obtain the information from the records and furnish it.

TRIAL EXAMINER: What's this man's name?

MR. LEINER: Sheldon Matzkin, I believe his name is. It is mentioned in the testimony of Mr. Thompson.

Q (By Mr. Leiner) Do you know --

A I am inclined to think it was '63.

Q All right, Mr. Papadakos.

A As I say, for accuracy, the records.

Q Did Mr. Ackles give you for your observation union handouts and literature in the period January 1964 through June 1964?

A I would say he has given me a few.

Q Did Mr. Manico give you any of these union handouts?

A Not to the best of my recollection.

Q Do you remember--

A No, sir.

Q Do you remember what any of these handouts were, what they said?

A Well, most of them at the beginning--

Q During the period January '64 through June '64.

A I cannot answer during that period because this campaign

is supposed to have been going on much earlier than that.

Q I agree with you, but I am just restricting myself to that period.

A I cannot tell you for that period because to me most of the stuff are stereotyped and which one I saw, the original approach or when I saw that approach, I cannot tell you.

Q Did you ask Mr. Ackles for the literature or did he voluntarily just show them to you?

A I would say voluntarily. I mean, keeping informed. they will deliver it to my secretary, and sometimes I will make a motion, drop it in the bucket, and sometimes if I have time to read it, I will read it. I have lots of material to read and it depends if the day is not too pressed and you want some refreshing literature, you read that stuff. If the day is pressing, you just have to put that stuff in the wastebasket.

Q You didn't take the substance of what was on the papers very seriously?

A No. I have seen that quite a bit.

Q As a matter of fact, you weren't concerned, were you, that the union was attempting to organize your employes?

A No. That's something I have to live -- I have been living with it ten years and I will live with it I

don't know how long more.

Q Do you know the name Ed Coy?

A Ed Coy? Yes, sir.

Q Who is Ed Coy?

A He is a --

MR. LYONS: May I at this time have an objection? There was a longer series of questions about a Mr. Mancini. There is no charge or mention of that name that I see in the complaint. I now hear mention concerning a man named Ed Coy, which there is no mention of the man in the complaint.

May I ask the Trial Examiner to restrict the questions to persons pertinent to this complaint, which is what the respondent is charged with?

MR. LEINER: Mr. Examiner, may I be heard?

TRIAL EXAMINER: Yes. Where does Ed Coy come into the picture?

MR. LEINER: Because Ed Coy's name is on the document which is GC-18 in evidence as to substantially giving the reason or at least the answer to the complaint of the Navy with regard to the replacement of the packaging inspection personnel. Mr. Lodato and Mr. Billone. I just want to establish that Ed Coy had the right to give reasons for the company.

TRIAL EXAMINER: Did he have anything to do with the

alleged unlawful discharges?

MR. LEINER: No, but he had something to do with the reasons why they were replaced.

TRIAL EXAMINER: Interrogation or anything else?

MR. LEINER: No, but he gave the reasons -- in other words, it's --

TRIAL EXAMINER: Let me see the exhibit.

MR. LEINER: Yes, sir.

TRIAL EXAMINER: The question is, as I understand it, whether or not you knew W. E. Coy.

THE WITNESS: Yes, I do know him.

TRIAL EXAMINER: Will you identify him?

THE WITNESS: He is a quality control engineer and he has been acting--we have -- in order to explain what a quality control engineer is, many times parts will be received from vendors or made in house which do not meet the exact drawing requirements.

MR. LEINER: May I interrupt the witness, Mr. Examiner? The answer is not responsive. I just want a very simple statement from him.

Q (By Mr. Leiner) Mr. Papadakos, did Mr. Coy have the authority to respond to complaints of the Navy inspection department at Gyrodyne with regard to why company action was taken?

A No, he did not.

TRIAL EXAMINER: You have amended your complaint to allege that LoGanza was a foreman in the inspection department.

MR. LEINER: Right, so the objection is meaningless. It doesn't take cognizance--

TRIAL EXAMINER: Where is he connected up with any of the--

MR. LEINER: Unfair labor practices? That's easy. He was the fellow standing in the doorway when Mr. Bohler was speaking with Mr. Schmidt, I believe, and LoGanza told Bohler, according to Bohler's testimony, if that fellow, meaning Schmidt, is for the union, I don't want him around, get rid of him. So that connects up there very easily, Mr. Examiner.

I am surprised at the objection in view of the amendment to the complaint.

TRIAL EXAMINER: What's the pending question?

MR. LEINER: Who is Frank LoGanza?

TRIAL EXAMINER: Who is Frank LoGanza?

THE WITNESS: I know he is a supervisor in the inspection and his exact title, as to whether he is an assistant foreman or foreman, I do not recall.

Q (By Mr. Leiner) Now, with regard to -- well, how many employes does he have underneath him for purposes of supervision?

the plant.

MR. LEINER: It affects his credibility. He said he didn't have the power to do it .

TRIAL EXAMINER: That's his statement.

MR. LEINER: You have made your ruling. I will not argue about it.

May I proceed?

TRIAL EXAMINER: Yes.

Q (By Mr. Leiner) Mr. Papadakos, would you tell me the date of the last company-wide speech that you made to all your employees prior to June 11th, 1964?

A Prior to June 11th?

Q Prior to June 11th.

A The date prior to June 11th?

Q Yes.

A I cannot give you the date except to tell you that was sometime in the early part of 1963. I do try to make one every year.

Q And this one was in early '63?

A I would say early '63. We can check the records to find out. There would be records.

Q So you are saying it is about anywhere from 18 months to 15 months before the --

A It is an annual event. I am trying to squeeze it as early in the year as I possibly can and this past year,

I had a floor space problem. I had no place and until finally I had to move my production birds out -- outside the plant in order to make the room.

Q Of course, you gave notice to the employees that there was going to be a speech, didn't you?

A Something like that we don't have to give a big notice because it is within paid time and I try to maintain a flexible schedule for myself so that if I know in advance as far as getting the preparation to clear the space and all, I give the preparation -- I mean to the department heads.

As far as announcing the work stoppage time and all, they -- in other words, a short time, a few hours just in case an emergency comes up and I cannot make it, they will not have been, you know, too much speculation, what happened, this and that.

Q By that time, however, the chairs will have already been set up in your main production facility and you have cleaned out all production at that time, is that right?

A Yes. Within the last four hours and I assume the chairs have been set up and this and that. The work gets out. The supervisors start notifying and we have a PA system if we need to, we use. This is an informal --

Q Oh, it is informal?

A And we don't make any, you know, big ballyhoo about

15

people wanted me to talk to them.

Q I see. So only the heads of the mechanical and the manufacturing department came to you and said that the -- our employees want you to speak to them again?

A That's right.

Q And that was Mr. Hollwedel, Mr. Ackles --

A Hollwedel, Ackles.

Q Who else?

A Maybe Caliendo was involved. Just people. I was requested and I obliged.

Q So it is a fact, is it not, that you, neither you nor any of your subordinate management officials invited the entire plant to attend this meeting as you had on the first day? Isn't that true?

A Yes. We did not invite the entire plant because there were not requests from the entire plant.

Q Now, on the second day, how long did you speak?

A Oh, I don't know. I guess about an hour and a half again. Something like that. I can check the record for that.

Q And how many people showed up?

After all, it was only an invitation. How many actually attended?

A Frankly, I think it was a pretty good showing. I don't remember any empty chairs.

16

Q Well, could you tell us about how many people came?

A I have heard that 400 chairs were provided, was left. That's what I have heard. That's all I know. It was not an item for me to take much particular attention at the time and if it was, I would have.

Q I believe you testified, Mr.Papadakos, that you used the word "wall" in your second speech, is that correct?

A Yes, sir. That's what I understand.

Q I don't care what you understand.

Did you use it?

A Yes, sir. And I gave an explanation what the word meant.

Q We will get to it in a minute. We will get to it, Mr. Papadakos, I assure you.

Now, you testified, I believe, that you didn't mean to use the word "wall," isn't that true?

A I said I used a word "wall" --

Q Just answer my question.

A Now listen, you are not pinning me down on technicalities when I said at the outset yesterday, I am expressing a spirit, a thought and let us stay in the spirit and the thought and not a play of words and I explained that I meant in an expanding company, there are no obstacles or walls. I was trying to explain to people how you progress, what is happening. I know how you try

17 to interpret to use the word "wall" and so, let us play it square.

Q How do you think I am trying to interpret that, Mr. Papadakos?

MR. LYONS: I object to the question.

MR. LEINER: He said he knew.

MR. LYONS: Well, I'll withdraw the objection then.

MR. LEINER: I will withdraw the question, as a matter of fact.

Q Mr. Papadakos, would you tell the Trial Examiner to the best of your recollection, what you said with regard to "wall" in the second speech?

A Yes, sir. I said, sir, in the industry the people feel the only reason they don't get promoted because there is somebody ahead of them and if he dies, he has a chance or something happened or he quits. And that's considered an obstacle, you know.

Well, when you get to the top, for somebody to get to be president, well, I have to be out. I have to die or resign or something.

As you get down to the lower levels, in order to become a foreman, it doesn't mean a foreman has to die off, move or leave or something. It is the expansion of the business that creats positions of that type. And I said that, therefore, there are no obstacles for a man

18 to get ahead if a company is expanding, is getting bigger. We have to promote people and people getting up.

On the other hand, if a company is shrinking, it loses business and getting smaller and smaller, top people drop down and they create real obstacles for the others to move.

That's what I tried to convey.

Am I making myself clear what my thought is, sir? This is the best choice of words I have.

TRIAL EXAMINER: Yes, sir.

Q That is what you said at the second meeting, isn't it?

A That's the thought and that's what I said on the second meeting. That's what I planned to convey.

Q And in words or substance, you did not say that you canprogress in this company so long as the wall does not exist between management and the employees, is that true?

A I knew that's what you had in mind and I said no.

Q How did you know that's what I had in mind, Mr. Papadakos?

A Well, Mr. Leiner --

MR. LYONS: I object. I think we have gone into this enough.

May I ask that the attorney for the General Counsel

bonus. Leadmen did get a bonus.

Now --

MR. LEINER: I see - other than --

A I would like to state all the facts because I have answered the question inaccurately.

If my memory serves me correctly, for the year '63, I am referring to fiscal year, we pay bonus to about 47 people which you may call old timers, engineers, management, people who had put lots of hours over the past years for the growth of the company, et cetera.

And the following year, in '64, I extended the list of people and I believe I covered 211 people which involved some leadmen this time, a couple secretaries. This is an incentive bonus. The first year was something to pay back for lots of services rendered which were never compensated, primarily to high salary people.

In the second year, I introduced -- I modified the formula and introduced some features for incentiveness and this year I managed, modified the formula sufficiently and I have sufficient funds and I covered all the employees.

Q All the employees were covered when, 1965?

A 1965.

Q Did you mention the fact -- did you mention in either of your speeches in June 11th or 12th, 1964, that you hoped

that you would not only pay bonuses to leadmen but you would pay bonuses to all the employees in the future?

A I would say -- I don't remember me being specific and saying not only to leadmen. I think what I said was that -- I gave the history the year before, we gave it to so many people, this year, we expanded to 211,I. believe that's thefigure, and I do hope next year to cover all the employees because -- otherwise, I will not be accurate.

Q Did you mention in either of those speeches that the employees should not do anything out of fear?

MR. LYONS: I object.

TRIAL EXAMINER: I didn't understand the question.

Q Did you mention in either of those speeches that the employees whom you were addressing, should do nothing out of fear?

MR. LYONS: I object to this on the ground it was not covered in the direct examination of Mr. Papadakos. It was not covered in the testimony of any witness on this stand.

The testimony concerning the speech concerned a wall.

MR. LEINER: It was raised on the direct. I'm just expanding it on the cross.

TRIAL EXAMINER: I don't remember anything about

fear.

MR. LEINER: I agree but I think there is testimony with regard to fear.

TRIAL EXAMINER: Well, let's find out.

Did you caution the employees in that respect?

THE WITNESS: Sir, I will answer that.

In my second-day speech, it was -- people wanted to listen, what do you do to get ahead? And to get a Utopia. I said yesterday, I don't know the answer. But the only thing, if somebody thinks I got ahead, here is my story and use it.

In regard to this fear, people misunderstand things so completely. I was telling people, don't be afraid and I quoted Shakespeare.

I remember Shakespeare said our thoughts are traitors and make us often lose the good we could have obtained by fearing to attempt.

So I said, "Don't be afraid."

This is twisted 180 degrees.

Q Did you tell them not to do anything out of fear?

MR. LYONS: I object to this.

TRIAL EXAMINER: Yes, I --

A When I say somebody be fearless and forge ahead and do whatever your mind tells you and go ahead - I don't think I told anybody -- that's it. And I also told them

another thing. I, in my life story, I said and gave them dates and all that back in 1934 in Poughkeepsie, when I was a dishwasher and I was depressed of spirit and I was thinking if I became a flyer maybe I will stop being a dishwasher, I walked from downtown Poughkeepsie up to Poughkeepsie Airport to save ten cents. I had the $4 to pay for the first lesson, for my first flight in life and walking up and looking at the various buildings which were medium-sized, seeing people coming out, envisioning myself in the kitchen with the filthy apron and all that and saying, "Will I ever some day have a job in an office, be clean like these people?"

And I finally walked and got there with my broken English, I greeted the pilot.

Incidentally, I may be a little humorous. It was January, the weather was good and the Vassar girls were playing tennis and that was another knife to a young man.

And finally, I got to the airport, greeted the pilot. We got into the plane and even in the old days, he said, "Contact, Contact." Started the propellor and we run down the runway and then we started climbing over Poughkeepsie and allof a sudden, I saw things with my own eyes getting smaller and smaller and smaller and the thought came to me, there a few minutes ago I was looking at those things and I was -- will I ever get up there and

MR. LEINER: I wouldn't want his credibility in terms of perjury to exist in that fashion. I think it was just a mistake based on a leading question posed by Mr. Lyons.

TRIAL EXAMINER: I recall, I told you, I take official notice of any official records in the office that's brought to my attention.

MR. LEINER: I think, also, that there is another matter which comes from official records.

I have the record of Case No. 2-RC-12006, which is the election that the Gyrodyne Company had with International Union of Electrical and Radio Workers back on June 14th, 1962, and the records of that case indicate, Mr. Examiner, that the company in 1962 challenged Albert E. Morel in his right to vote on the ground that he was a supervisor.

TRIAL EXAMINER: You know and I know -- that was a representation case?

MR. LEINER: Yes, sir.

TRIAL EXAMINER: That would have no bearing one way or another on his supervisory status. The mere fact that he was challenged.

MR. LEINER: And he did not vote.

TRIAL EXAMINER: I'm not concerned with 1962.

I'll take official notice of it.

allowing him to go ahead and cross-examine at great length and then curtailing you because that is not the fact.

MR. LEINER: Mr. Lyons cross-examined Mrs.Papadakos on the theory of cross-examination. Those were the questions which he was permitted to put to her and, in other words, I don't want the --

TRIAL EXAMINER: You had two entirely different situations. Mrs. Papadakos was cross-examined with a view toward establishing or discrediting the testimony. One of the two. And as to her motivation in appearing.

Now you are examining Mr. Papadakos on an entirely different situation and subject. You were going to what transpired in the way of supervision in the company of which he is president.

Two entirely different things.

MR. LEINER: I wouldn't be bound by his answers, Mr. Examiner.

TRIAL EXAMINER: Of course not.

I simply judge the weight to be given to the testimony as a whole. That's my job.

MR. LYONS: May I say, after listening to the discussion back and forth between counsel and the Trial Examiner, that it is not my intention to prove the General Counsel's case for him.

There are so many holes in the lack of proof that I don't think the burden is upon the respondent to fill those holes by producing witnesses.

TRIAL EXAMINER: The burden is always on the General Counsel by proving the supervisory capacity of employees in this type of case. The burden never shifts.

MR. LYONS: And I have no desire of proving his case and taking the burden.

TRIAL EXAMINER: The burden is always on the General Counsel. If the General Counsel makes a prima facie case, then the necessity for going forward devolves upon the respondent, but the burden does not shift.

MR. LYONS: Mr. Caliendo, please-

ANTHONY CALIENDO

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Lyons) What is your name?

A Anthony Caliendo.

Q Where do you live?

A 453 85th Street, Brooklyn.

Q Who do you work for?

A Gyrodyne Company of America.

Q How long have you worked for them?

A Approximately four years.

Q What was your position when you first started?

A I first came into Gyrodyne as a production control supervisor. Production control and planning supervisor.

Q What was your job in the latter partof 1963 and up to June of 1964?

A Director of production planning and control.

Q Would you tell me what production is? Wait a minute, Mr. Caliendo. Is production planning control one operation or are they different operations?

A Well, it is the same function except that one is the planning and the preparation of all the production requirements and the production control is the follow-up.

Q What specifically do you plan?

A We plan the products from its inception to its delivery to the customer.

Q And that product is the helicopter?

A The Drone helicopter, the spare parts, support equipment and publications.

Q You mean the production?

A Yes, sir.

Q And you plan the publication of instructions?

A I plan the requirements to coincide with the shipments. In other words, the framework of the detailed planning to meet the end date is done by the publications

department but I give them the end date.

Q How do you do that?

A Well, if you take it from the inception of a request for a quote, it comes in the door and we break it down to its detailed requirements, lead time --

Q What is a quote and who does it come from?

A It comes from a government agency, in our category mostly the United States Navy, various bureaus of the United States Navy.

We will take the form of a Drone helicopter which is our main product. They submit a quote for a quantity to be produced. We break the quantity down into the various type of items which are make or buy. We have to come up with a cost breakdown as to our source of supply and our requrements of satisfaction.

In determining the bill of materials breakdown, we have to stand by the past procurements and past make and buy policy that we followed and any deviations we must bring out why we are changing deviations for this proposal.

In the establishment of the lead time, the procurement department gets a listing, they get the prices.

Q Can you tell me what lead time is, sir?

A Lead time is the time required to place an order and start requirements for the stock room of a detail

item. In the part of assembly, it is the time when you start assembly to the time that the assembly is finished.

Q Does that take into consideration the number of man hours necessary?

A It has to in the sense of the make structure only. As far as production personnel go, as far as the buy structure goes, it plays a part with the inspection personnel requirements.

Q Do you do this alone or do you do it in conjunction with other people? I see you used the word "we".

A When I say we, it is because I prepare the bill of materials in conjunction with the engineering personnel that have determined that the requirements are the same or any minor changes to drawing numbers.

Then I take the listing and present the buy list to the purchasing department for prices and delivery.

They, in turn, pass this information back to me. That's why I say we. Then I correlate all this information together and come up with the purchasing function and segregating make list which is the Gyrodyne performance.

In determining the Gyrodyne performance, I establish first the requirements of our machine shop, the impact on the present load, the time that it will affect the manpower that's presently available, the effect on

the assembly, various sub-assemblies, impact it has on our paint booths. Every bit of facility we have.

We have a standard chart that we follow which gives us in and out effect of workload performed. This plays a part in this request for quotation -- for delivery.

When this package is finalized, we turn it over to our legal people who put into it the effects of terms, conditions and so on which is out of the area of the planning department.

Then, of course, there is a section of support and spares which we take to a dollar limitation only for another agency to come in and prepare a listing with our logistics people and this proposal is submitted and then it is negotiated and, of course, it has a limit of how long the proposal is for.

In other words, when the proposal comes in, we say that we must receive an order by such and such a date in order to meet the delivery spelled out in the proposal because the impact of production is at that time.

Q Does that have anything to do with considerations given to the number of personnel in connection with it?

A Oh, yes.

Q Would you explain a little bit more about how personnel is affected in the consideration of what you have been just testifying to?

A In answering your question, I would like to give an example of an area which would be similar in all the ther areas. I will take the machine shop as an example.

In the machine shop, I believe we have on the make list which hasn't changed at all in the last three programs approximately about 34 line items.

A line item is a detailed part. And in scheduling and planning these line items for a machine load basis, we utilize our tools, our tool capability and the past performance on the previous contract and we submit the labor hours that we feel that theseparts should carry in the prooosal.

This has an effect on the amount of people in the machine shop.

If we show in our finding that the machine shop is running out, say,in March of a year and we need the workload beginning in April, we contemplate the contract to be given to us in October or November for the procurement of materials to put that impact into the machine shop to keep our level of employment and operations as we planned.

We found difficulty in some proposals that the government doesn't take our hours. They use a learning curve and they tell us that where we propose say, 400 for the machine shop per Drone, they turn around and

with planners, I work with their level of people, and then the final results and judgments would have to be done between myself and the management people in those departments.

Q What else would you do during a normal day?

A Well, then I have the methods engineering, which is the review of tooling requirements, the design of the tool, the application of the tool, the cost of the tool, and to see that it stays within the framework of the proposal we submitted.

Q Could we get on a bit to the work of the different departments as it was in the latter part of '63 and of 19-- early part of 1964?

May I ask you, sir, are you familiar with the work of the packaging department?

A Yes, sir.

Q Would you tell me what the packaging set-up was at Gyrodyne late in '63 and getting into 1964? Was this under your direction?

A I'd have to give you the picture first.

MR. LEINER: There was no answer to the last question.

TRIAL EXAMINER: He started to explain it.

Q (By Mr. Lyons) Going back to June 1963--

A June 1963, to answer your question, the packaging department was under my direction, yes.

Q "ill you tell us what the packaging department consisted of, what its function was and what happened to it?
A Well, the function of the packaging department was to package, identify the packaging in accordance with the techniques described in the specifications that we had presented to the Government for their method.
Q What did you package and what material did you use to package?
A Well, we packaged various air frame detailed components, subassemblies, rotor blades, transmissions and electronic boxes and all the support equipment. We used various types of dunnage, which is pressed materials, to cushion. We used cartons, corrugated cartons, wooden containers and also metal reusable containers that the Navy had purchased.
Q In June of 1963 what was the operation of packaging?
A When you say the operation of packaging, do you mean what was the department?
Q What did it consist of?
A In June of 1963 I would say that there were approximately -- we had some reductions between March and June so the count I'd have to --
Q If you don't know, go on. Packaging in connection with Government stores and warehouse--
A I would like to describe it to you from the time I first took it.

the requirement, we --

Q Would you tell me what a direction of a requirement is and what the requirement means?

A The requirement is the end item that the Navy is buying. That's the requirement. Let's say that they procured certain items--

Q Would you name a couple items?

A Like a motor generator set, a transmission or electronic boxes. When they procured these items now, we are not allowed to take the item and pack it or ship it until the Navy gives an allocation. When they give us the allocation it is now just a matter of packaging and shipping it. There is no more warehousing, no more holding waiting for instructions, nothing.

So all this period of time had reduced this operation to that extent, and our packaging costs were very, very expensive because of this type of operation which the Navy had set up originally.

Q What percentage of the end product was the packaging cost, if you know?

A I know that one well because we were criticized on it. The packaging costs at the time--

Q What time?

A Of '63, from '62 to the middle of '63, the percentages ran around 10 and 11 percent of the end cost item.

From '63 to '64 it ran between 7 and 9 percent because we did have some reductions in that time, but not many.

Q That is, if a motor generator cost $100, to take a figure, to package it cost $10, is that right?

A That's right.

Q And you say that there came a time that the Navy was critical of this?

A In March of 1964 we received directions from the Navy which - and I have a copy in my folder - which emphasized to all suppliers -- I would like to read that to you and that gives you an example. It is a Navy letter. It's an instruction.

TRIAL EXAMINER: Let's take a 10-minute recess.

(Short recess)

TRIAL EXAMINER: On the record.

Q (By Mr. Lyons) Mr. Caliendo, I think when we suspended before this recess we were discussing something that you received from the Navy regarding instructions in 1964; is that right?

A That's right.

Q I show you this paper, sir, and I ask you if that is something that you are familiar with.

A Yes, it is.

Q Will you describe what that is?

A It's an instruction from the Bureau of Ships and the

Department of the Navy, Bureau of Naval Weapons, Department of the Navy, from the chief of the Naval -- Bureau of Naval Weapons to the distribution list, which is all contractors. And the subject matter in it is cost reduction in preservation and packaging of Bureau of Naval Weapons and Bureau of Ships Equipment, components and parts and the changes and methods --

Q What is the date of that, sir?

MR. LEINER: Objection. The document is not even marked yet. He is reading from a document. I want it in evidence.

TRIAL EXAMINER: It will be in evidence.

What's the date of that?

THE WITNESS: March 19, 1964.

Q (By Mr. Lyons) As to that exact piece of paper that you are holding in your hand, when did that piece of paper come into your possession?

A Originally this piece of paper in my hand I had requested as a copy on April 20, 1965, for this session.

Q Who did you get it from?

A I got it from the library at Gyrodyne, who in turn has the master.

Q And is it so marked, sir?

A It is so marked.

MR. LYONS: I now offer in evidence -- I offer it to be

there would not be any long-term storage, and it was with this application that we started to proceed with our reduction in man hours that would have to be applied as well as reduction in cost of materials.

Q In addition to that letter, which is Respondent's 26, did any of the Navy personnel itself discuss the question of cost reduction as it related to packaging?

A Definitely.

MR. RUBENSTEIN: Objected to, whether the Navy Department discussed the question itself.

MR. LEINER: I think we are getting into hearsay, Mr. Examiner.

TRIAL EXAMINER: No, I don't think so.

Q (By Mr. Lyons) Would you elucidate on that, Mr. Caliendo, concerning what happened regarding any other action taken after that letter was received?

A Well, we received this letter, our resident in charge, which is a Naval Government group, they received the same literature. They instituted conversations with myself or my lead men to see what effect we are taking toward this document. Periodically they review with me our techniques, our cost reduction patterns, our over-packaging and simplifications that are going to be acquired.

Q What at that time was the percentage cost of the

us for cost reduction because they thought that our Drone was quite expensive. They were trying to get it down to a lower rate.

MR. LEINER: Mr. Examiner, may I interrupt, please? I think Mr. Lyons is leading the witness into error. I don't believe there was a letter from the President of the United States in 1963 or 1964.

MR. LYONS: Respondent's 20 and 21.

TRIAL EXAMINER: 20 and 21 are December 1963.

MR. LEINER: Are they from the President of the United States?

TRIAL EXAMINER: Respondent's 20 is a letter of December 2nd from the Secretary of Defense.

Respondent's 21 is a letter of December 2, 1963, from the President of the United States.

MR. LEINER: I am in error. Sorry.

A It was during that period of time of January, February and March of 1963 that I started to review what the load was to be packaged presently on hand. Also the materials scheduled to come in for the coming six months, and see what packaging labor was required to perform that function.

In review of this -- these schedules, it indicated that with the new techniques that we wanted to apply and in estimates, in accordance with what actually had been performed the year before, we found ourselves way

high in our packaging costs. In review of this we found that the handling, the cost of materials and the timely delivery of materials to this packaging group was not possible to maintain a full crew.

What we reviewed and decided on, meaning me and my planning supervisor, we made a report up where we show fluctuations of movement of materials into that area where there would be an awful lot of down labor.

Q What is down labor?

A It means no work available and the men would be standing by.

What we would do is we would put them into other areas but there was no specific work for that area.

I then got together with the purchasing department--excuse me. I first presented this schedule to Mr. Papadakos and asked him if it would be all right for me to proceed with the procurement department for a subcontractor to do our packaging.

The reason for this was that if I have material to package one day, the subcontractor will package and charge me only for that. If I didn't have anything to package one day, we would have costs incurred against packaging which there was nothing to pack and this is the main reason why our costs were so high, as these people are direct labor.

So he analyzed the situation with me and he agreed that I should pursue it and we had gotten together with the purchasing department, gave them a schedule of the components that had to be packaged in the next six to nine months, gave them the technique cards of the method of pack we wanted, and the new types that we wanted introduced in accordance with this documentation and--

Q May I interrupt, Mr. Caliendo, and ask you if this document or card which I show you, is that what is known as a technique card?

A Yes, sir.

Mr. Lyons: At this time may I have it marked for identification?

(Thereupon the document referred to was marked Respondent's Exhibit No.27 for identification.)

Mr. LYONS: I offer it in evidence, sir.

MR. RUBENSTEIN: I object to it as irrelevant and immaterial.

May I again ask that we be given copies of it pursuant to the rules?

THE WITNESS: May I say something, sir? That's the original.

MR. LEINER: May I take the witness on voir dire on the card?

TRIAL EXAMINER: Let me see the card.

purchasing department for supplies continuing packaging requirements for open bids.

MR. LEINER: What department was this again?

THE WITNESS: Purchasing department.

I gave them a requisition for price and time limit to do certain packaging. With it I gave a schedule of various -- all the items we had on hand to be delivered from six to nine months, period. We gave them a copy of the technique cards which would call out the method of pack and also a copy of this instruction to reduce in accordance with the method of pack prescribed.

The quotations went out to three companies, of which two reponded.

Q What were the names of those companies?

A I know Bonded was one because I reviewed their introduction, and Abilities, Inc. The third party who did not bid at all I'm not familiar with. I don't know whether it's Bader or -- I don't know for sure who it was.

Q Are these firms that specialize in packing?

A Their job is strictly specialties in packaging.

Q In addition to that have you any knowledge concerning Abilities, Inc., and what it is?

A Abilities, Inc. is a company or an institution which does work, industrial work for various contractors and

exclusively utilizing handicapped people where applicable. They have an electronics plant in Albertson and they have a packaging division in Syosset.

Q Do you know what companies they package for?

MR. LEINER: Objection.

TRIAL EXAMINER: Overruled.

A Yes. In reviewing their proposal we always check the management, we check the type of operation they have, we check the suppliers who give them materials, and we also check their customers. We do this as a normal check-off to make sure that we can guarantee the services regardless of whether they are the lowest bidder or not.

Q You mean guarantee to the Navy?

A Guarantee to ourselves first, because we are responsible to the Navy.

Q All right. I'm sorry, sir.

A Then we found that they were doing work for Republic, they were doing an awful lot of work for Arma Corporation, and they were doing work for some small companies in the Island which were nothing to speak of but their prime concern that we had was that they were doing work for Arma and Republic which was large scale work. Tail sections, fuselage sections. For Arma they were doing guidance systems. They were doing spare parts for these guidance systems and various other electronic

equipment.

Q As a result of the -- your work with the purchasing department and giving them all of these specifications and technique cards, did you receive bids?

A Yes.

Q And of the companies that you asked to receive bids from, how many bids did you get?

A We received two.

Q What were those two, the names of those two companies?

A One was Bonded.

Q Bonded what?

A Bonded Packaging was the name of the company. And the other one was Abilities, Inc.

Q What were the prices that were given to you by these bids?

A Well, in Bonded's introduction, they were giving us prices per part and they didn't want to give us a full price for the overall package until they received the material because they wanted to see the items instead of having a dimension of what it should be.

Abilities, who in working with other industries like Arma and Republic, had a formula which was acceptable to the Navy, a formula which went on size and method of pack and the full package instead of individual items. So they quoted on our schedule and on our cards by giving us this formula and in breaking down the formula, we broke it down and matched it against the services we were rendering with our personnel and it was so tremendously low, it just wasn't even -

Q Can you give us a percentage? I think you testified that at this time the packaging in Gyrodyne was costing 8 per cent of the end product and that's what you charged the Navy, is that right?

A That is correct.

In reviewing the cost requirements that Abilities needed, they would be averaging one and a half percent of the end product.

Q For the same service, sir?

A For the same service.

Q The same standard of service?

A The same standard of service.

Q Then there was effected a cost reduction by subcontracting this, the difference between 8 per cent of the product and one and a half percent of the product?

A THat's correct. But most of all, we never had to pay for downtime, which is -- you can't measure because what we did is they charged us only for the components we delivered.

Q Let me ask you this, sir: was this satisfactory to the Navy?

A Yes, sir.

We had to have Navy clearance before we done it.

Q And this saving in money between the 8 per cent and one and a half per cent, who got the benefit of that

saving?

A Well, the Navy.

MR. RUBENSTEIN: Objected to.

TRIAL EXAMINER: On what grounds, Mr. Rubenstein?

Mr. RUBENSTEIN: Irrelevant and immaterial.

TRIAL EXAMINER: Overruled.

A The Navy received credit because we were working on cost plus type contracts at the time and whatever you charge is what they accepted. Naturally, we couldn't charge Gyrodyne packaging because we weren't applying labor or time or materials so we were charging Abilities' rates, presenting the purchase order and they would only pay that bill.

Q Let me ask you this: Did you also, when you were supplying parts, did you supply them with technique cards, too?

A We gave them copies, yes.

Q Of the technique cards so they could follow them, is that right?

A That's right. And when they made changes in accordance with this regulation, they presented to us a new technique card which we reviewed and submitted to the Navy as the new requirements.

Q Is that the system --

MR. LEINER: Mr. Examiner, we don't have a date here

with regard to the subcontract. I don't believe we do anyway.

THE WITNESS: I can give you that.

MR. LYONS: I can get that after the lunch recess, your Honor.

MR.LEINER: It is March 30, 1964, I believe.

Q Mr. Caliendo, is that the system that's still in effect today?

A Yes.

Q Abilities is doing the packaging?

A Yes.

Q Have there been many variations between the packaging as existed since the contract has gone into effect up to the present time?

A There was a variation in the type of packaging mainly because of a lot of new introduction of items. Most of the old items, the repetitiveness of ordering actions has ceased and we are getting more into bulk items instead of loose details like we used to at one time.

Q In relation to your packaging operations as carried on now, do you know of your own knowledge whether the Navy has adopted part of it and recommended it to other suppliers?

A The packaging?

Q Any of the operation of the packaging?

A No, sir.

Q And as to the question now of the subcontracting in March of 1964, can you tell us what happened as far as the workload in your packaging department?

A Well, the workload, as I laid out in January and February, I saw was going to be reduced greatly, is why I took this measure toward outside assistance. I saw that there was not sufficient work to keep a steady crew going because of the flow of materials that were coming in to keep this operation moving.

When it was determined and approved that the packaging will be done by Abilities and it was set up and cleared through the Navy, a reduction of force was imminent.

MR. LEINER: May we have a date on this, Mr. Examiner?

A Yes. I started to review the surplus manpower beginning in April of '64 and it continued right through to June.

MR. LEINER: We still don't have a date for Navy approval, Mr. Examiner. I am asking him about that.

MR. LYONS: I object to this interruption.

TRIAL EXAMINER: The best thing to do to avoid all these unnecessary interruptions is to make a note of the

6

things, the lapses, which you consider lapses and then if they don't come out, ask about them, Mr. Leiner,please.

I find that there are many questions that occur to me during the cross-examination of a witness and I am almost impelled to interrupt and if I keep quiet,I find that the question eventually is answered. It is just a terrific waste of time. It messes up the record something awful.

If you just make a note of it, we will bring it out. I want to know. I had that very question in mind.

MR. LEINER: I object then because the testimony as it stands now is entirely irrelevant.

TRIAL EXAMINER: Well, let's finish.

MR. LEINER: Unless the date is established.

TRIAL EXAMINER: Overruled. Let's go ahead.

You can't ask every question in one. That's impossible.

MR. LEINER: Yes, sir.

Q Mr. Caliendo, you say that from April through June, you were examining into the personnel, reduction in personnel due to loss of work, is that right, or no work in the department?

A Correct.

Q And in that, did you confer with any people?

A Yes. I first had the listing of personnel that I

7

knew would be available -- surplus manpower in the packaging area. Approximately eight or ten, something like that. I reviewed the list with my immediate -- with my supervisors directly under me. One of them was a supervisor of dispatching and stock rooms.

MR. RUBENSTEIN: May we have the names,Mr.Examiner?

A Dominick Avisano.

The other supervisor, Charles Sohl, supervisor in the material planning section.

And in discussing -- the first thing I did is taking the list, I screened our whole operation to determine what open requirements we had available.

Q What do you mean by an open requirement?

A Well, we had some resignations, we had a fellow that died and these were jobs not filled yet and I held them open until I could see how I could shift my personnel rather than go outside to find help. And in going over this, we screened ten in the packaging area and we found -- in reviewing them, we screened their qualifications. I pulled their folders out, checked their qualifications, checked their background to see how we could tie them in. We checked with their length of service to the company which is formal in screening an individual.

I found that I had an opening in our material

8 cutting department, which is under production stores.

I found an opening in the material planning section.

I found an opening in production store rooms.

And in screening them through, I found the requirements were capable of approximately three or four who we had set up as interviews for myself and the supervisor with the individual. Iwanted to be sure that the individual would want a job like that and he would give it his effort before I would transfer him in there. And we have found places for fellows like Hughes. We found a place for Mistretta. We found a place for Hewlett. Probably a few others I don't know offhand.

There were some like -- there was another one, Andy Boye, we transferred him out into the shipping department, there was an opening.

So we approximately found spots for about six or seven out of the group to start off with. The rest of them, we had nothing and we had to terminate.

Q There are not any of the names of the persons that are dischargees under the charging Party's complaint in this action, is that right?

A I would have to see the list.

Q Just take your time, sir. Look at all those names.

MR. LYONS: The witness is looking at the complaint

containing a list of the 30 dischargees that are the subject of this hearing on the 8 (a) (3) violation.

A The only name that's on this list that was affected in that packaging move was Carmine Dota, who did not - was not discharged. CArmine Dota resigned.

Q But in addition to these people that you found jobs for, you let go four or five people, did you say?

A Yes.

Q And their names are not on this list, are they?

A No, sir.

Q We will get to Mr. Dota later.

Q In connection with other departments of yours outside of the packaging department -- by the way, you do have jurisdiction of other departments I believe you testified to, is that correct, sir?

A That is correct.

Q Did you confer in this cost reduction program with any men of equal rank to your own in the company?

A Oh, yes. In discussing the packaging area?

Q Well, let's say first the general area of the cost reduction program.

A Well, we had a regular discussion on it across the board. All the administrative department heads and as well as the manufacturing department heads. This was a continuous review.

Q I may have been pinpointing too much on the packaging. I want to broaden out this cost reduction program that you testified to concerning the packaging department and I will ask you, was this cost reduction program a study of the lack of work in many departments being carried on by other people in other departments as well as yourself in your departments?

A Yes, sir.

Q And I am only sticking now to production and maintenance.

Did you confer with any of the other men of equal rank with your own in the company concerning their departments in production and maintenance?

A Yes, in the sense of scheduling and planning of work load that were being laid out for the future.

Q In fact, the work of the production and maintenance dovetail together, don't they?

A Very closely.

Q Would you tell us the names of the men of equal rank with yourself who you conferred with concerning cost reductions in the production and maintenance departments?

A Yes. I consulted with Pete Acklcs, who is the director of fabrication. I consulted with John Hollwedel, who is the director of quality control.

11

I consulted with George Mancini, who is the superintendent of the machine shop. And I consulted with the director --

Q I don't want to interrupt your testimony except this fact. My question was concerning the men of equal rank with you in the company.

A Then it would just be John Hollwedel and George Mancini -- I mean Pete Ackles.

Q Before we get into the lay-offs of June 19th and June 29th, I would like you to go back to March 3, 1964, and I want to ask you about two men named Mr. Giovanniello and Mr. Svandrlik, and ask you if you know who those men were?

A Yes, I was aware of them.

Q Did they work in departments over which you were the supervisor, the top -- whatever your job is, you are director of what?

A Director of planning and control.

Q Would you tell me what department they worked in?

A They worked in the packaging department under the supervision of Mr. Harry Hoffman.

TRIAL EXAMINER: That's Giovanniello and who else?

THE WITNESS: Svandrlik.

Q You knew these men personally, to see them?

A I knew them from a standpoint of passing through

the department occasionally,yes.

Q And in March of 1964, did you have anything to do with their termination of employment?

A Yes.

Q Tell me, sir, what you had to do with their termination of employment, have anything to do with union activity or union membership?

MR. RUBENSTEIN: Objected to as leading to a conclusion.

TRIAL EXAMINER: No. Overruled.

A No, sir.

Q Would you now tell us the circumstances concerning the discharge of Mr. Giovanniello, as you know it?

A Well, Mr. Giovanniello and Mr. Svandrlik were --

MR. LEINER: Objection. It is not responsive. He was just asked as to Giovanniello and he has Svandrlik in there.

Q I asked you for Giovanniello. I will withdraw the question and ask you, did these men work closely together?

A Yes.

Q Where did they work and what was their job?

A They worked in Building No. 8. It is in the packaging area which was part of the government bonded room.

Q Who was their superior?

A Harry Hoffman.

Q Where did he work?

A He worked right opposite them.

Q Would you tell us what you know of the facts leading up to their discharge by you in March of 1964?

A Yes. In March of 1964 is when we had discharged them. Prior to that, approximately two months, Harry Hoffman had come up to me to tell me that they were disorderly, that they were boisterous, they were affecting the workmanship of others alongside of them because of their nonsense and prankish jokes and so on.

I didn't take any action at the time. I reviewed what he was saying. I requested the folders on the two men. In the folders I witnessed that they were written up for a whole year on this type of mannerism. Their insubordination to Mr. Hoffman.

So I told Mr. Hoffman that I was not up to date at the time when he wanted to take some action and that in all fairness, I wanted these fellows to be given a final warning, which he did through Mr. Aylward in our personnel department and we will take it from there.

Then in March, the day that they were discharged, Mr. Hoffman come running up to me - the day before they were discharged - he came running up to me and he was all white. He was nervous. He was very upset. And he

14

had Navy visitors in his office and he went out to ask these men to keep quiet and there was nothing but a big rumpus and they didn't care about his direction, that when he asked them to be quiet and he was insulted as a supervisor and the insubordination that was attributed to him from them.

I called up Mr. Alfieri to verify what Mr. Hoffman said and Mr. Alfieri told me it was so and it's been like that for weeks and I sanctioned Mr. Hoffman to discharge them.

Q Was anything said during all of this talk, this two-month period when you were aware of their condition concerning their actions toward Mr. Hoffman, was there anything in that -- was there anything in the folders of these men, was there anything in Mr. Alfieri's questions or remarks concerning them, concerning any membership or activity on behalf of a union by these two men?

MR. LEINER: Objection.

TRIAL EXAMINER: Overruled.

A Not at all.

Q You have stated fully the facts which led to their discharge by you on March 3, 1964, is that right?

A That's right.

MR. LEINER: Mr. Examiner, may I be heard?

TRIAL EXAMINER: On what?

will see that I voluntarily stated the date. I had known the date of the contract between Abilities and the company for sometime, Mr. Examiner.

If I didn't make myself clear on the record, I'm sorry.

TRIAL EXAMINER: Well, without taking the time to go through the exhibits, I would assume that that information is somewhere within the content of General Counsel's Exhibits 24, 25, 26, 27 and 28.

You may proceed, Mr. Lyons.

ANTHONY CALIENDO

resumed the stand and testified further as follows:

DIRECT EXAMINATION (continued)

Q (By Mr. Lyons) I think at the time we suspended, Mr. Caliendo, you had examined the list of 30 dischargees here and you testified that there were a number of people laid off in the packaging department during the spring of 1964 whose names do not appear on this, is that correct?

A That is correct.

Q But there does appear on here the name Dota.

Are you familiar with that name, sir?

A Yes, sir.

Q Is that Carmine Dota?

A Yes.

C Would you tell the Trial Examiner whehter he was laid off, discharged for work habits or resigned?

A He had resigned.

Q And were you present when his resignation was discussed?

A No. His resignation was presented to me in my office by the leadman.

Q Was Carmine Dota there when it was presented to you?

A No.

Q Had you had any discussion with Carmine Dota concerning any of the facts leading to his resignation?

A No, sir.

Q You know Carmine Dota?

A I know by passing through the department, yes.

Q Did you ever have conversations with him regarding his health or his status in the company?

A No, sir.

Q Let me ask you this: Are you familiar with the names Michael Billone and Frank Lodato?

A Yes.

Q And what was their job during the latter part of 1963 and the spring of 1964?

A They were mechanical inspectors assigned to the packaging area.

Q And as such, did they come under Mr. Hollwedel or under you?

A Under Hollwedel.

Q What would be the effect from your control of the packaging situation with the work to be done by mechanical inspectors in the packaging department after March 30, 1964?

A Well, the inspectors were a service to our packaging group, depending on the workload that had to be submitted to the Navy for approval of shipment and these two inspectors would check Gyrodyne's work performance and present it to the Navy for final delivery.

Q I think you testified that the workload reduced during the early part of 1964 in the packaging department and then it wassub-contracted, is that right?

A That's right.

Q What effect would that have on the work of mechanical inspectors assigned to the packaging department?

A It would reduce them completely.

Q Was that something that would be taken up in connection with this cost reduction program that resulted in the lay offs of June, 1964?

MR. RUBENSTEIN: Objected to as leading.

MR. LEINER: I join in the objection.

MR. LYONS: I'll withdraw the question.

and see what necessary action would be required to balance off as there wouldn't be that much work for these people and Mr. Hollwedel did review and process it accordingly.

Q Let me ask you this: As far as any packaging that's been done since June of 1964, have you had any replacements in the packaging department for people to do the work that had previously been done by the packaging people who were laid off before the end of June of 1964?

A No. We reduced it again.

Q When was that?

A In August and September of '64.

Q You let some other people out of the packaging department?

A I know one for sure and --

MR. LEINER: Objection, Mr. Examiner. Beyond the scope of the complaint. Anything that happened after the service of the charges is not relevant.

TRIAL EXAMINER: You brought this up yourself. You laid yourself wide open.

MR. LYONS: May I have that answer if it's been answered.

(The record was read by the reporter.)

A And possibly two.

Q What was the reason for those terminations?

A Lack of work.

Q Mr. Caliendo, did you also, in relation to your work with the production and maintenance or director of planning production control, have anything to do with the Blade Shop operation?

A Yes. In planning out the blade shop --

Q By the way, let me ask you one question.

Have you ever been a director of planning production control before in any other plant?

A Yes.

Q Which company?

A I was with the Fairchild Engine Division of Fairchild Airplane and Engine Corporation.

I wasthe master scheduler as well as the production control manager and after that, I went to Hydramatics Corporation in Livingston, New Jersey, where I was production manager in charge of planning, scheduling and all operations.

And from Hydramatics, I came to Gyrodyne.

Q Did you ever work for Arma?

A Yes. I worked for Arma Corporation for ten years but I was not the director of production control. I was a production control supervisor.

Q But you have worked in production control for many

years, is that right?

A Over twenty years.

Q Now, would you tell me, to get back -- I'm sorry in a way that I had forgotten to bring that out but I wanted it on the record.

In connection with the blade shop operations,would you give me some background concerning your function in that department?

A Well, the blade shop, similar to the machine shop, my job was to schedule the requirements necessary for the shipment of Drones or spare blade assemblies and properly distinguish the amount of personnel and the adequate machine equipment to perform the function to produce the quantity of blades that we required.

Q Would you describe what a blade is?

A A rotor blade is used to airlift the Drone into its function off the ground.

Q Is it similar to the propellors that they have on airplanes?

A It is similar to a propellor except this is for a vertical take-off instead of a forward take-off.

Q Now, would you continue?

A In my function or my responsibility was to deliver Drones and to deliver spare blades and the blade requirements for the Drones. My job was to see that I would

schedule properly the amount of materials required for use in the blade shop, the amount of labor required to produce in the blade shop, the amount of tooling and the function of its tooling for the blade shop to coincide with the manpower and the cycle times required to produce a blade.

A cycle time is a period required from start to finish to produce the blade.

Q Who was exactly in charge of the production of the blades?

A The production of the blades -

Q Was that Mr. Peter Ackles?

A Mr. Ackles was responsible ad the director. Under him was a supervisor, Mr. Bill Dennis.

Q Mr. Ackles has a job comparable or did have at that time a job comparable to yours, is that right?

A That is correct.

Q But you overlapped in certain areas in the blade shop, is that what you are testifying to here?

A That is correct. We worked very closely. I would have to do all the scheduling for him to perform. I'd have to see that he has all the proper materials, manpower, et cetera, to produce what I need.

Q Did you also have to do with, in part of your planning, did you also have to do with tooling and methods?

A Yes, sir.

Q Would you tell us a little bit about the tooling and methods of the blade shop as it existed in its earlier stage and the developments thereof?

A The early stages of wood blade manufacture was haphazard. It was not up to date. The surrounding areas were not to any degree finalized as to what would be required to produce a production blade to any great capacity or to any great efficiency.

The blade shop was a great concern for a good period of time because of in-lying losses which created an overabundance of wood laminates which would be required to produce these blades.

Q Could you tell us the time period you are talking about?

A The latter part of '62, right up to '63, I would say mid-year, at which time we had transferred the blade shop around January '63 into another area for a more economical set-up, a more feasible method of operation and good production flow and better tooling and better working conditions.

MR. LEINER: I would like to note General Counsel's objection to references to 1962 since General Counsel was not permitted to go into the area.

TRIAL EXAMINER: You are not going to be permitted

to go into the area of unfair labor practices --

MR. LEINER: Only to show animus, Mr.Examiner.

TRIAL EXAMINER: You may cross-examine on the background, the development of the business of this company which is the line of present inquiry.

There is a great deal of difference between the two, Mr. Leiner.

Q Will you continue, Mr. Caliendo? You were talking about the moving of the blade shop itself in January of 1963, is that correct?

A Approximately -- it started around November and finished around January. It was in that period of time.

And from January '63 to about June of '63, we were evaluating techniques, we were evaluating tooling, going from a production rate of four aircraft a month up to eight and possibly twelve with spare parts.

Q Did I interrupt you, sir? Continue.

A And in this evaluation, we had assigned two methods engineers, a blade engineer and a tooling man to review and come up with a proposal of what would be required for greater efficiency to produce our full requirements.

Q What is a methods engineer?

A A methods engineer is an engineer who is trained to process a technique and method of application in producing a blade and also study the time and motion effort

required by an employee to produce efficently .

Q Is this like an efficiency expert?

A Not to a degree like that. He is more or less concerned with the man's working conditions. He is concerned with his manner of movements. Not to any point where he should produce better because of time in seconds or on the hour. His main concern was that the man avoid taking extra steps. If he has to route a blade here, he doesn't have to walk over there to get the blade. He has more or less set up a stream where the equal effort would be advantageous to the product.

Q Did you or he pay any attention to the number of hours per blade?

A Definitely.

Q Do you know now of your own knowledge about how many hours it took to produce a blade in 1963?

A Yes. In 1963, I would say that a wood blade was averaging about 90 hours apiece. Today that same blade is produced at aproximately 51 hours apiece.

Q Would you tell me this, sir? Is it a wood blade now?

A Yes, sir. It is still a wood blade.

Q Is there any difference in the blades?

A No. It is the same blade. Exactly the same.

Q You say you went from about 90 hours down to 51,

is that correct?

A That is correct.

Q Was that due to increasing employment -- increasing personnel that you put to work on the blades?

A No. It was due mainly on the basis of better tooling, more tooling and less personnel.

Q Les personnel?

A Less personnel, yes.

Q When did these method engineers and the blade engineer and the other fellow report to you concerning recommendations or was it a continual process?

A Well, it is still a continuous processing but the main stem of the impact was done between November and January -- November '62 into -- '63 into January and February of '64.

Q I think you prepared or had prepared some charts concerning this part of your testimony. Are these the charts?

A Yes.

Q Would you describe what they are first, please?

A TLis is a tooling schedule list which was prepared for increased production from four Drones a month with -- from four Drones a month to eight Drones a month with spares.

Q What period does it cover, sir?

A It covers the period between the latter part of '63, all through '64.

MR. LYONS: I would like to have those marked for identification, please.

(Thereupon the document above referred to was marked Respondent's Exhibit No. 28 for identification.)

MR. LYONS: Before I go on with this, there is another matter I would like to tie up.

Q In connection with work by Abilities, Inc. for Gyrodyne, had they ever worked for Gyrodyne before March 30, 1964, if you know?

A Not that I know.

MR. LYONS: At this time, I will offer in evidence Respondent's Exhibit 28 which has been marked for identification only.

astounded in going through this record and scanning it as the daily copy comes in at the amount of argument on evidence, and it's meaningless coming in as the witness testifies. It is highly improper and we are going to stop it right now. I will have no more of it.

MR. RUBENSTEIN: I am trying to answer your question. You asked what relevancy does it have.

TRIAL EXAMINER: I am asking what your longhand is; that was my question. The record made and submitted by Anthony Caliendo, and then I can't read anything after that except the words "of down labor."

MR. RUBENSTEIN: That's right. Mr. Caliendo testified that he submitted--

TRIAL EXAMINER: Can't you tell me how your subpoena reads? I know what Mr. Caliendo testified to. I was here.

MR. RUBENSTEIN: May I see the subpoena?

TRIAL EXAMINER: Yes. Tell me what that is.

MR. RUBENSTEIN: The report made and submitted by Anthony Caliendo on fluctuation of down labor.

I am sorry.

TRIAL EXAMINER: All you are doing is interrupting the respondent's case. The petition to revoke the subpoena is hereby granted.

MR. RUBENSTEIN: May I at this time have the petition for the subpoena, the subpoena and the motion to revoke

A There are 52 various type tools that were introduced into the blade shop, of which some of these tools had back-up tooling as well.

By back-up tooling it was a substitute or additional substitute sets so as to keep the production line moving without any down time because of minor repair. The total number is indicated in the quantity column of this report.

Q Now just take the -- I notice that condition exists in relation to the first tool mentioned, routing template.

A Yes.

Q Looking at Respondent's Exhibit 28 as to routing template, I see that in 1963, in August, it was -- would you explain when it was ordered, please?

A In August,approximately the first week of August, it was put on order, which meant --

MR. LEINER: What year was this, Mr. Examiner?

THE WITNESS: 1963, of which the design was approved and submitted for procurement.

In the middle of October it became available for introduction into the production line.

Q (By Mr. Lyons) 1963?

A '63.

Q All right. Was it used then?

A It was put into use immediately.

Q Then what happened regarding another routing template?

A Then we had a back-up unit which was procured in June, the end of June, early July of 1964, and introduced into the blade shop approximately the end of November, 1964, as being available for back-up.

Q And in a number of these tools that were procured and are part of the tools listed on Respondent's Exhibit 28 there are other similar operations whereby a back-up tool was purchased?

MR. LEINER: Objection.

TRIAL EXAMINER: I don't understand the grounds for the objection. Just state, if you will, the ground of your objection so I know what you are driving at.

MR. LEINER: Leading and irrelevant.

TRIAL EXAMINER: Overruled.

MR. RUBENSEIN: I would like to say it's leading to a conclusion.

TRIAL EXAMINER: Yes. Overruled.

Q (By Mr. Lyons) What's your answer, Mr. Caliendo?

A Yes, it is spelled out as indicated on the charts.

Q Mr. Caliendo, how many operations are there in the blade shop, if you know?

A I wouldn't be able to pinpoint the exact number of operations, but I would assume that it's approximately 40 various operations from the beginning of the wood laminates being released for the starting of a blade to

as workmanship, so they are all referenced in the same manner. Instead of having criss-crossing across the main aisles to get to the work, it was more adequately laid out for manpower to work with less motion.

Q In conjunction with this installation of equipment, that equipment was relocated in this area with a line to better efficiency and less waste time between operations, am I correct in that?

MR. LEINER: Objection.

MR. RUBENSTEIN: I object to that.

TRIAL EXAMINER: Overruled.

A That's correct.

Q (By Mr. Lyons) Now, at this time, also, were you making studies in relation to the number of man hours necessary to turn out blades?

A Yes. That's a continuing thing in production.

Q Would you speak and tell us a little bit about what occurred to the man hour situation in conjunction with the blades and the majing of them as this improvement went in as indicated by an increased number of tools, some tripling of the tooling use and--

MR. LEINER: Mr. Examiner, I object. Mr. Lyons is testifying here.

TRIAL EXAMINER: No, he isn't. You have to ask the question in some manner. I personally congratulate Mr.

Lyons in trying to make some progress here in asking intelligent questions and eliciting information of some value. I don't like the continual objections while it's going on. You never defend a case simply by objecting to material testimony that's going into the record.

Let's go ahead.

MR. LYONS: May I have the question, please?

(Question read)

Q (continuing) --and the improvement in the capital equipment and the laying-out of the areas and the changing of the lay-outs?

MR. RUBENSTEIN: I object to that question, too, Mr. Examiner.

TRIAL EXAMINER: Overruled.

A The introduction of the additional tooling plus the capital equipment plus the relocation of sequence of operations has reduced blade manufacture labor hours to a large degree. It enabled us to produce more blades for less hours than what was produced before this introduction was made.

Q And in relation to your job as director of the production planning, sir, did you lay out a certain number of man hours for the jobs as they came into the house?

A Oh, yes.

Q Before they came into the house, is that right?

1

TRIAL EXAMINER: I think it is all right.

Do you remember anything else that might help us understand these operations?

A I believe in my description of introduction of this major equipment into production, one of the things that must be considered, too, is that in 1964 we were scheduled to produce approximately 1200 blades whereas in 1963,we only produced approximately half of that, so the introduction of this equipment was mandatory in order to get that final result.

Q You are not, I think you have told us before that you are not in charge of the actual work in the blade shop, are you?

A No, sir.

Q That's Mr. Peter Ackles' operation, is that right?

A That is correct.

Q And Mr. William Dennis is underneath Mr. Ackles, is that right?

A That is correct.

Q Will you tell me what your relationship is to work done in the machine shop? Are you cognizant of the work in the machine shop?

A Yes. Machine shop fabricates detailed items which are machined from war stock, forgings or castings.

Q I'm sorry, I am going to have to interrupt you,

Mr. Caliendo.

Will you please tell me in the machine shop, what these items are. I don't know and I don't think the record will show.

A The produce housings, liners -- these are items that --

Q Could you describe a housing in layman's language?

A Yes. A housing is a unit that encases gearing, universals or any other turning equipment that should be protected against exposure. It is usually made of aluminum. It has cut-outs for oil passages to be flowing through. They produce rotor break housings which are a different type.

Q What is a rotor?

A A rotor break housing is a housing which has a drive shaft exposed on both ends but passes through this housing so it has its sealing against dust, moisture and other means.

MR. LEINER: Mr. Examiner, I ask the answer be stricken as unresponsive to the question.

The question was what was a rotor and the answer was what a rotor bade housing was.

TRIAL EXAMINER: Overruled.

Q Now, would you tell me what a rotor is?

A A rotor is a turning detail that drives from one

assembly to another assembly.

Q What other machine work is done in the machine shop?

A They machine spacers.

Q What is a spacer?

A A spacer is a ring-type detail which has precision dimensions used for occupying areas in drive shaft assemblies where it segregates one train from the other train of gears.

Q Would you tell me what the word just used by you in its context, machines - what does that mean?

A Machines is equipment that's utilized to produce finished product components from raw material or castings or forgings.

Q Now, in connection with the work in the machine shop, did the production planning department of which you were the director, lay out any programs in 1963 and '64?

A Yes.

Q Would you tell us about those, please?

A In laying out the machine shop, it is a standard formality as far as the planning department goes in reflecting the items to be produced. These usually are the items as submitted in the proposal from a make and buy structure.

Q What do you mean by make and buy structure?

A The make and buy structure is the management decision in breaking down a proposal --

Q A proposal to whom?

A To the United States Navy for any given number of aircraft.

Q Right.

A Which will reflect which are the items that will be purchased from outside sources such as vendors or suppliers and which items, part of that proposal, will be manufactured by the contractor.

Q Does this flow through your department?

A Yes, sir. It originates in that department.

Q Will you tell us a little bit about what you do in relation to this make or buy structure?

A To determine a make or buy structure, we have to analyze. The first thing we do is break down the bill of material and determine which components can be fabricated by in-house equipment. We usually segregate the components immediately that we know that are not feasible to be manufactured by the contractor.

We then review what is left that we feel can be produced in house.

The methods engineers break down sequence of operations to determine the amount of hours and machines that would have to be utilized to produce these components.

We also get a price from our procurement people from outside sources to see what their cost-incurred would be.

We then merge these two factors and come up in the interest of the government which is more practical to do. We pick up the items that are make that we feel are necessary to be made because of close tolerances and know-how and we also screen the others on the basis of outside cost versus inside cost. And we come up with the make and buy list.

The items that we have determined to make, we reflect the hours, we present them to the Navy in the form of a proposal and submit them.

Q Let me ask you this. Do you have to figure out how many hours a man works a year in relation to the proposals?

A Yes. When we submit the proposal, we usually submit a master plan which indicates the machine shop -- well, it starts off with the engineering releases, the material requisitioning, the methods engineering for procurement of any tooling, modifications of tooling, the introduction of the machine shop to begin operations, when they will complete, the introduction of the blade shop, when they will begin, when they will complete. The introduction of sub-assembly and the various processing,

when they initiate their requirements and when they complete. Then the final assembly, when it begins, when it ends. The flight test, when it begins, when it ends, and the packaging and crating and shipments, when it begins and when it ends.

Q In relation to this, do you have to know the number of man hours that are available within a department, say, let's take the machine shop?

A Yes.

Q Would you tell us in relation to the machine shop, the number of hours that were available on the submission by Gyrodyne or the getting together of a proposal in the latter part of '63 and the early part of '64.

A Well, in 1963, in October I believe -- I don't know the exact date in October, but it was approximately -- October -- we submitted a proposal for the manufacture of 186 aircraft.

In that proposal, we had suggested approximately 55 thousand hours to be utilized by our machine shop starting in February of '64 and continuing through to approximately June of '65.

Q 55 thousand hours for 18 months, is that right?

A That's right. Approximately that period of time.

Q Would you tell us how many hours you had in the shop?

7

A Our shop capability was approximately 66 or 68 thousand a year, a calendar year. That was the availability.

Q You had, then, for 18 months of this contract, you had over a hundred thousand hours of man hours right in the machine shop?

A That is correct.

Q How many hours of work did you contemplate for that over a hundred thousand hours -- how many hours of work did you have planned for the excess of a hundred thousand hours which you had available?

A Well, when the contract came in in January and we started to lay out, meaning the planning department --

MR. LEINER: May we have what year we are talking about?

TRIAL EXAMINER: This is October 1963.

THE WITNESS: In October '63, we submitted this information. We got the contract in December of January, in that period of time. And upon receipt of the contract --

MR. LEINER: What year is this?

THE WITESS: 1964.

We then started to review the workload to be released into the machine shop for the coming year of 1964 and '65.

It was evident in our conclusions that there was not sufficient work to keep the machine shop busy for the full year.,

Q Can you tell me about how many hours you had scheduled for the year of '64?

A Oh, I'd say approximately 45 to 50 thousand hours is all we hae from March of '64 into March of '65, using that calendar year period.

Q On the basis of the employees that you had in the machine shop in March of 1964 and projecting it into March of 1965, how many hours were there in actual employees?

A Ywu indicated before there was approximately 66 thousand, is what was available within that period of time at that time of study.

Q And you had at that time of your study and projection, about 45 thousand hours of work, is that right?

A To put in.

Q About how many hours to a man do you figure a year?

A Approximately 18 hundred hours to a man.

Q That's without overtime, is that right?

A Xat is no overtime. And no -- I'm sorry, vacation is included.

Q Therefore, we have a gap, Mr. Caliendo, between March of '64 and March of '65, of some 20 thousand hours

between what you had forecast and what actually was standing around in the machine shop, is that right?

A That is correct.

Q Can you tell us what you did after you found that that was the condition?

A I made a report to Mr. Papadakos, after review with the director of fabrication, indicating to him of the serious situation in the machine shop for the coming year. This is a periodic thing we do generally upon receipt of every contract.

He was very concerned about it as well as I was. He asked for a solution and I gave him a recommendation with the director of fabrication that we reduce the buy listing.

Q What is the buy listing that you spoke of before that outside subcontractors or vendors were doing, is that correct?

A That is correct. That we reduce that list with some of the items which we reviewed on the original pass which was the proposal, that we recommend that he allow us to put this work into the machine shop to keep a reasonable crew working.

He allowed me to pursue it further, which was to check with the contract negotiator for Gyrodyne, who in turn had to review this with the contract officer.

k0

Their decision was favorable to pursue it because it meant saving jobs and keeping an adequate crew in case of any emergencies of spare parts, et cetera, that may come up.

In review with the procurement director, Mr.Kiefer, we all agreed, meaning Mr. Kiefer, myself and Mr.Ackles, that it would be no hardship on the subcontract vendors where they have imposed any expense that we can withdraw these items from that buy list and add them to the make list.

We also had to ask Mr. Papadakos for additional machine tools, which is approximately -- I'd say around a quarter of a million dollars.

He allowed the expenditure in order for us to bring the jobs in and keep additional personnel in the machine shop.

Q How many hours did you get back into the house as a result of this maneuvre?

A I believe it was about 15 or 20 thousand hours which was to be used over a 16-month span.

Q Did you discuss this with George Mancini?

A Yes, sir.

Q Who is George Mancini?

A George Mancini is the supervisor of the machine shop.

Q Do you know of your own knowledge that after you

11

went into the consideration of getting the buy items restored to make in the shop items, that Mr. Mancini conveyed this information to employees of the machine shop?

A I don't know when or how he did it, at what time, but I do know he was mainly concerned because some of his people were concerned and he had come to me a few times during that period of time in January and February of '64 and he mentioned to me that if there was any possibility of bringing in additional work, and I had referred to him that it was a management decision and I was doing everything possible to bring the work in.

Q Now, as it went along in the machine shop, during this time, by the way, there was some night work being done by the machine shop, too, wasn't there?

A That is correct.

Q What was that in relation to?

A That was in relation to -- there were three or four items that we brought in which we never made before,such as the main transmission housing and the bell housing, which were delicately machined items. They have very, very close tolerances and they require a tremendous learning in producing these items.

It was a couple of month period where they put a dual shift on for these items because of the limitation of the machine tools in order to gain the learning curve

12

that was proper for the coming quantities that were to be machined.

Q For the next 16 months, is that correct?

A Correct.

TRIAL EXAMINER: Was it 6 thousand hours that were saved -- work shaved for the machine shop after the okay by the company negotiator and the Navy --

THE WITNESS: 15 to 20 thousand hours additional brought back into the shop.

TRIAL EXAMINER: Thank you. I didn't get that figure.

THE WITNESS: It was about 17 or 18 thousand, something like that.

Q Now, in connection with this work brought back into the shop and its immediate impact on the retention of employees in the machine shop, did this also add work to the inspection? Was there any inspection in connection with this machining?

A Oh, yes. All services such as inspection, material handling, the dispatching would all affect it by this introduction.

Q And then in addition to the employees whose employment tenure was continued in the machine shop, there were other employees who also were continued as employees of Gyrodyne, is that correct?

13

A That is correct.

Q In connection with the electronic or avionic inspection service, could you tell us a little bit about what the electronic department is?

A The electronic -- well, I have to ask what period of time you are talking of because we have had changes.

Q Well, let us talk from the time of June 1963 to June of 1964, sir.

A Well, in June of 1963 to June of 1964, we had electronics inspection. We had an electronics installation group which was manufacturing personnel --

Q Let's start at the manufacturing before you get to the inspection.

What was the electronic manufacturing that was being done at Gyrodyne?

A There was no manufacturing done in Gyrodyne in June of '63, not until approximately March or April of '63 did we consider manufacturing.

Q Wait a minute. You said there was none in June of '63?

A It was not until March and April of '64 that we considered manufacturing.

Q Let me ask you this: What electronic work was being done at Gyrodyne from June of '63 on to March of '64?

14

A It was installation work mainly. Installation of avionic electronic boxes, wiring --

Q Would you tell us what an avionic or electronic box is?

A An avionic electronic box is a unit which is used -- it has a mass of electronic components such as boards -

Q Could you tell us this in layman's language, sir?

A I will use an example of a typical avionic box. A typical avionic box would be a relay assembly. A receiver or a decoder. This electronic equipment consists of approximately ten boxes. There is an antenna, a receiver, a decoder, an amplifier, harnesses, gyros and gyro controls.

Q What does this do on the Drone helicopter?

A It is used as the guidance system.

Q What is decoded and what is relayed?

A It is a digital control type procedure which is similar to your radio. How it receives a message, breaks it down and voices it, except that in this equipment, it does not voice it, it just relays signals and the signals maneuver the aircraft.

Q Are these vocal signals?

A No, they are radio type signals. Just beacon type signals.

Q Go ahead, sir.

A These units are installed by this manufacturing electronics group. Their job was to install it for blueprint, harness it, which is to tie it in, they tie it in individually to a system. Then they give it a functional check to see that the system works. Then they pass it on for flight test.

These people -- that was primarily their job up until March of '64. Then for the new contract, they introduced new type-connectors instead of pinpoint type connections where the man used the soldering iron in the wiring and connections.

They now used clip-on connectors which reduced time considerably.

This became a problem for the coming year as well because of the reduction in hours, that it meant that there was not sufficient work for the electronics group, manufacturing group either.

MR. LEINER: Mr. Examiner, I would like this answer to be stricken on the ground that none of the avionics inspectors, to my knowledge, were in the manufacturing or installation business and therefore the question and answer are totally irrelevant to this proceeding.

TRIAL EXAMINER: You can't narrow it down that closely. I want the overall picture. You have to have

the overall picture.

I don't know whether what you say is true or not. Let's have the whole thing here so we can evaluate it.

If you had your way, you would confine us to everything having to do with a partiuclar job in a department.

A This group that I am speaking of, Mr. Lyons, is strictly manufacturing personnel. I have not brought into the picture any inspection personnel.

Q Mr. Caliendo, you just answer my questions and no one else's or the Trial Examiner's, please, would you? Don't bring anything in until it fits into the relevancy of your story or in response to the questions I ask.

A I am sticking strictly to manufacturing at this time. To me inspection is a service. Whatever there is in manufacturing, that's what they serve. If there is no manufacturing, there is no service. So I have to stick for the concept of where the work begins.

So in March of '64 it became obvious, also, that there was no -- there was not sufficient work for the manpower available in the electronics manufacturing,so, therefore, I spoke to Mr. Papadakos, after consultation with Mr. Ackles and Mr. Kiefer, that it was evident that we try to manufacture some product because some of this personnel were highly qualified.

We were having difficulties with some of our

17 electronic equipment by some of our manufacturing suppliers. We broke down a shipboard auxiliary relay box which was previously being supplied by a vendor which was submitted highly rejected equipment.

We requested that we give it a crack to try and produce this. Our engineering personnel agreed that there was nothing complicated based on the knowledge of the personnel that we had.

So we laid out the groundwork and a format to make two prototypes for qualification testing which is a normal procedure when a new supplier is introduced. We produced these two in March and April and found they were highly satisfactory during the testing.

We had a production requirement of approximately a hundred of these boxes which entailed, I believe, 80, 90 hours a unit of manufacturing time.

We then went into production to offset some of the surplus labor that was utilized in the installation of avionics into now producing something and they did it well.

Q By the way, why did the work fall off in connection with the manufacturing type process that Gyrodyne was doing on the material that was being shipped in? Was it because of the length of time that these different equipment could be found to last or what was it?

19

Q You say that you got some work in from vendors that had been supplied by someone else, you made it yourself?

A We didn't process the order to go outside. We decided to keep it in. We had a new requirement for an additional hundred boxes. The supplier was not satisfactory on the previous order and this is why we looked at that one to bring in and give it a try for electronics manufacture.

Since being successful with the first one, we then took in an integrator relay harness the same way and we also took in a control monitor which was the same way, that was produced by a contractor that was giving us a lot of problems.

So we now developed a capability of electronics manufacture with the same equivalent people that were there before.

Q What was the effect of this on the electronic inspectors? By the way, tell me first what an electronic inspector did, what his job was, the same as the way you told us before about the inspection when it comes in --

A It is principally the same except that in electonics, he has to check out -- he has electrical equipment to check out a unit instead of using mechanical tools. He uses various test equipment, cables, to give

him readings, so as to check out the function of a unit.

Q What kind of instruments does he use for that?

A Well, he uses special support test equipment such as wireboards, oscilloscopes, ditmco continuity checks which gives it an electrical continuity check. He uses other special bench equipment as designed by Gyrodyne methods engineers to -- in relationship to the specification of thc unit to draw out its requirements.

Q What is the difference between the word or could you explain this? Sometimes you used the word "electronic inspection" and sometimes "avionic inspection."

A Well, it is basically the same thing. Electronic and avionic is principally the same equipment. The only reason they refer to avionic is because avionic is the portion that goes on the aircraft which carries the signals. There is electronic equipment which is such as support which gives you the information that's being created by this avionic system but as far as inspection goes, it is basically the same types of checks that they give.

Q In connection with the avionic inspection, when you got in or when you started to make certain electronic equipment there, did that give them work to do at Gyrodyne?

A Oh, yes. We had to inaugurate an in-line inspection.

TRIAL EXAMINER: On the record.

Q Mr. Caliendo, just prior to the recess, I was asking you questions concerning the method of inspection as equipment came into the Gyrodyne Company, particularly in reference to the electronic equipment.

Was that not the point that we suspended at?

A Yes.

Q Would you now please tell us what you know concerning it and I'm aware that you are not specifically in charge of that department.

A That is correct.

Q Would you go ahead, sir?

A In the electronic inspection for that period of time, beginning in June of '64 when the new requirements were being received at Gyrodyne, we had provided inspection with additional test equipment and new revised test equipment which would improve their productivity.

As an example, I was describing before was a servo test stand. This test stand is used primarily to present loads on the servo clutches for approximately eight continuous hours and would be run automatically with recordings into a data unit. Whereas before, we used to have it on a motor-driven bench. We had two or three such stands where it had to be monitored by an individual while it was being checked.

This, of course, done away with that three individuals in these primitive type test stands.

Q By the use of this servo gadget that you just testified to, certain reduction in personnel was necessary, is that correct, sir?

A. Well, there was a reduction in the amount of hours required to inspect which, of course, ultimately would develop that.

Q Man hours, that is?

A Man hours.

Q Was there other tooling done in the relation to the inspection services at Gyrodyne?

A Well, not necessarily just tooling. What had happened was that we had a prime concern for that contract because it now was introducing productivity of 12 to 14 and gradually up to 16 aircraft a month for the coming year of 1965. The inspection introduction began in June, July of '64 --

Q Introduction of what, sir?

A The introduction of units into the inspection area.

Q Units of what, sir?

A Component units as received from subcontract vendors for installation on the aircraft.

Q Yes, sir. Go ahead.

A Approximately March of '64, March and April of '64,

management had a grave concern over this supply system from our subcontractors in order to insure availability of materials to build aircraft.

We developed a team of quality control engineers, purchasing liaison men, and purchasing agents who reviewed the subcontractors' plants by intoducing new techniques to assure us a better product.

They were highly successful in improving conditions of supply which did not require large rejections and re-inspections upon these units being received for the second, third and fourth times as previously was in the past.

Q What effect did this have on the inspectors employed by Gyrodyne?

A Well, instead of having -- say you had a hundred boxes on order, instead of having this hundred boxes ultimately end up as three hundred boxes because of the amount of rejections, it was cut down to approximately maybe five or ten per cent rejections instead of 50 and 60 per cent rejections, which require re-inspections.

Q Who was in charge of that department?

A The director of quality control is John Hollwedel-

Q John Hollwedel, what is his title, sir?

A Director of quality control.

Q During these months from October through June of 19 -- October '63 to June of '64, were you in constant

communication with Mr. Hollwedel?

A Yes.

Q In relation to the work of your department, the work of his department?

A Mostly in concern on proper flow of materials to insure adequate workload.

Q And also was it in connection with the reduction of costs and personnel?

A Well, it is always in reduction of costs and time because of charges. As far as reduction of personnel go , he would monitor that himself based on the hours that were being utilized.

Q And the hours that were being utilized were those which you had projected in yourproduction planning schedule, is that right, sir?

A That's right.

Q Let me ask you this. In relation to what is known as the motor pool at Gyrodyne, could you tell meyour function in relation to that, sir?

A Well, the motor pool is a section of the shipping and receiving department which I am fully responsible for.

Q Do you have a supervisor under you in relation to the motor pool?

A Yes.

Q Who is that?

A Mr. Louis Alfieri.

Q During the time of the cost reduction -- continuation of the cost reduction program as it showed in the end of 1963 and the early part of 1964, were you cognizant of the work of the motor pool?

A Yes.

Q On what basis were you cognizant of it, daily,weekly or what?

A I was cognizant of it on a daily basis.

Q Would you describe to the Trial Examiner what, if anything, you noticed concerning the workload of the motor pool from 1963 through 1964, June?

A Well, the workload for the motor pool was projected for a reduction as far back as October and November,1963.

Q What was the basis for the projection of the reduction, sir?

A Because prior to January of 1964, most of our work was on a cost plus type nature which required a large amount of material handling between sources of supply and Gyrodyne itself. It was necessary to borrow materials from our stores, getting near drawings of new prototype equipment and hand-carry this type of information back and forth to suppliers because of the type of design that was established.

There was no real frozen desire as far as support equipment or the full extent of the aircraft.

In October of 1963, in the submission of our proposal,prior to submitting it, we reviewed the cost incurred by our motor pool and the material handling personnel in the type of operation we were performing as we expect to handle for the coming years, which was to start with the new type contract which was going into effect around February-March of '64.

We had requested from our purchasing department that a large amount of orders such as gear forgings be shipped directly from our forging manufacturers directly to the machine houses, whereas in the past, they used to comein, be inspected, be handled, be packaged and crated and taken to trucking agencies to be deployed to these machine companies.

It was a lot of bulk and heavy equipment.

We also advised our procurement people, due to this cost reduction, that the suppliers ship FOB St. James instead of FOB their plant, wherever they were.

This enabled suppliers to ship via air or truck and use substitute methods of carriers in the area to deliver the item to our door.

This reduction was very favorable and started to show activity around March of '64.

We tried to keep this personnel, which was obvious that was to be surplus, and in June of '64, for approximately three weeks, Alfieri would come up and see me and tell me that he had three extra drivers, two extra drivers, one day, one extra driver, what to do with them.

I told him to utilize them in the shipping area for packaging materials that are going to suppliers, rejections going back, to help in the receiving area, unpacking, count materials and so on; until I could see what I could do with those men in possible transfers or what.

During that period of April and June of '64, it was not only the motor pool area, it was also the other areas that I had to consolidate my line of thinking to see how I could save as many jobs as possible for these people.

I prepared a listing of personnel which had openings in various sections of my organization and I promoted some people to -- for the higher jobs and created openings available in the lower jobs where I could utilize most of this manpower.

In the traffic area, where I had to reduce by three, I gave high consideration to two of the three because two of them had some background, but the third

one had none.

One of them was a retired Fire lieutenant --

Q Whose name was?

A Im going by length of service because I always work that way down. So the top man in length of service was Pete Roman.

Q What do you mean, he worked the bngest in the motor pool?

A Well, we had to reduce three and he was the first one of my concern because he was the longest of the three. In reviewing his requirements and basic qualifications, he had nothing to offer in the sense of any industrial operations of any sort. His background was purely in the Fire Department. There was nothing I could do for him.

The next one I reached was Dale Spicer, who was second.

Q Did you have any conversations with Roman concerning his -

A. No, I didn't have -- at first I didn't have any conversations with any of the threemen. I just discussed this with the supervisor and also reviewing it with the supervisors in the other areas where I had an opening.

And in Dale Spicer, he had some background where he was working with a raw materials supplier -- I forget

the name but it was a raw material supplier, well-known, and I discussed with him briefly whether he had any knowledge of various types of metals and the codings and so on in storing of these metals.

He felt that he was familiar with it and also that he was familiar with machine shop operations.

So I arranged an interview with him as we had an opening in the machine shop for a dispatcher. I arranged an interview for him with Mr. George Mancini, who was the supervisor in the machine shop, whom we service. And Mr. Mancini gave him an interview and called me back and told me that he didn't feel he would be qualified since he didn't know anything in the handling of machine parts in various stages of operations. And he felt it would be too much of a learning training. That he felt he had someone else who would be more susceptible to accept this operation which we later transferred into.

The third one was Ed Galvani who was -- who had a background in farming and also in the oil burner services.

In my brief interview with him, he felt that he could do that type of work, so I arranged for an interview with him for a possible opening in the maintenance department where we had this type of work performing. And I arranged his interview with Mr. Pete Ackles, who

was responsible for that type of operation.

After the interview, Mr. Ackles called me and told me that he did not have any knowledge whatsoever of oil burners or any other type of maintenance equipment, that he was strictly a trucker who delivered fuel oil, which was not what he felt was adequate enough for any opening.

So based on those conclusions, I had no other place for them, so we had to terminate their employment.

Q Tell me this. During these discussions, did you at any time inquire into the membership or activities in relation to any union?

A No, sir.

Q Let me ask you, in connection with someone named Richard Waltz; do you know that man?

A Yes.

Q Would you tell the Trial Examiner about Richard Waltz?

A Richard Waltz was a material handler and he was servicing trucks as they come in, unloading them. He was utilizing a forklift truck. He would move materials around the plant with forklift truck or any other mechanical means. He would service the flight strip. And Mr. Waltz was a longshoreman type of an individual who was strong, rugged and very profane.

Q WXat did he do before he worked at Gyrodyne?

A He was, I believe, a retired fireman.

Q You say he was very profane. You are not shocked by profanity, are you?

A No, I'm not shocked because the type of work sometimes -- the individual,he was rugged. It didn't bother me any.

Q Was his profanity different than the profanity you had been used to in the companies and the hard work that you have done?

A Well, in Gyrodyne, most of the people don't use that language that I know of anyway. And, of course, spending 90 per cent of my time administratively and not getting into the personnel in direct line.

Q Did you receive any complaints concerning this man Waltz?

A Yes.

In the fall of '63, Mr. Alfieri came to me a few timesand told me verbally that he was hampering operations in the receiving area where there were three women employed because of his foul language and his rebuffing of instructions imposed upon him by Mr. Alfieri.

He used to downgrade Alfieri as a supervisor in front of the other individuals. Mr. Alfieri wanted to dscharge him.

Well, I had felt that it may have been a personal

thing between him and Alfieri so I allowed it to go another month or so and Mr. Alfieri came up to me and told me he was going to write him up for discharge.

He wrote him up and I got together with Mr.Aylward and we decided that maybe he needed a change in supervision. So since we only had two material handlers, I transferred him over to the supervisor of dispatching and expediting.

Q Who is that?

A Mr. Dominick Avisano, who is realtively a real gentleman and takes -- and it takes an awful lot for him to be disturbed.

He worked for Avisano, I guess about -- let's see, it was in January when we moved him over. So after about 30 days or 45 days, he started the same approach and the same type of disturbances on Mr. Avisano, downgrading him, et cetera.

Mr. Avisano came to me first and we had a discussion on him. We allowed it to continue for another period of time until he actually cursed Mr. Avisano in front of other supervisors.

He then presented to me a write-up requesting for discharge, which I fully accepted and passed on to Mr. Aylward authorizing the dismissal.

Q There is no question that you are the person that

MR. RUBENSTEIN: No, I ask you to agree to it. Not to deny it.

TRIAL EXAMINER: I'll issue a subpoena and I'll pass upon any petition to revoke that comes before me.

Let it be clearly understood that if it appears on the face of a subpoena duces tecum that you are trying to embarrass me in any respect, I will say so at the time, and I think that's what you are trying to do.

You are asking me, in effect, to open up to you for cross-examination one witness, all of the records having to do with production control and planning for the period of time over which Mr. Caliendo has testified.

MR. RUBENSTEIN: That is right.

TRIAL EXAMINER: Exactly, THat's exactly what you are asking.

MR. RUBENSTEIN: I think I am entitled to it --

TRIAL EXAMINER: Submit your application for a subpoena.

Do you care to cross-examine, Mr. Leiner?

MR. LEINER: Yes, I do.

May I have a few minutes to prepare myself or --

TRIAL EXAMINER: If you want the time, all right.

MR. LEINER: I think I can go into it.

CROSS-EXAMINATION

Q (By Mr. Leiner) Mr. Caliendo, you say you were

I ask you now about how many of those employees were production and maintenance employees?

A I couldn't give you the exact number.

Q The best you can.

A I would say there was approximately 275.

Q So that in April, 1964, there were about 275 production and maintenance employees?

A Yes, sir.

Q And that includes the inspection services and the maintenance department and the machine shop and the blade shop and the sub-assembly people, is that true?

A That's true but it does not include the flight test or the services.

Q Does not include flight test or the services.

What are the services?

A All the production and control services.

Q What are they?

A Dispatchers, expediters, planning, personnel, clerical personnel.

Q Office clerical?

A Right.

Q How many dispatchers were there?

TRIAL EXAMINER: Why are you going into all that detail, please?

MR. LEINER: I want to find out how many production

Q In or about June of '63, do you know that the Navy negotiated with the company and the company agreed to a reduction in the total number of hours used in the production of the bird with a special reference to the number of hours used by the company in rendering mechanical inspection?

MR.CURLEY: Mr. Trial Examiner, I must object to this on the grounds of relevancy.

TRIAL EXAMINER: Let me hear the answer to the question if you can.

A I don't recall anything in that fashion at that period of time. I do have and am made aware of cost reduction hours that have been imposed upon the contract which I have to offset and pass on to the Director of Quality Control. But not in that period of time.

Q If there were a drastic reduction in total manufacturing hours proposed to the company, would you know about it?

A Yes, sir.

Q And your testimony is that you do not know about any such drastic reduction in total manufacturing hours, including inspection, which the company agreed to with the Navy in or about June of 1963?

A I don't know which one you are referring to at that period of time. I mean, we have --

Q It was shortly before the execution of NOW630251 CI.

A I got that information when I went into production in '64. That production started in October and November requisitioning of materials and starting out for '64 production.

Q When did you get that information?

A I had that information a little before that.

Q When?

A I had that information -- the hours submitted were submitted in -- the end of '62 and all during the spring of '63 I knew of the tendency to lean downward. The negotiations were leaning on the downward trend because of learning curves and cost reduction. The final figures were given to me when I would start to produce job orders and authority --

Q Again, when was that, Mr. Caliendo?

A I was working with figures presented to me by the contract department as early as April.

Q What year?

A 1963.

Q I tell ylu that the finalizing of thecontract was not until June of '63, but you knew about it in April?

A That's right. Because that contract, we had a letter of intent to work with which gave us authorization to proceed on long lead items and I had to work with

figures beginning in April of '63 and the final figures were given to me at a later time.

Q Well, did you have meetings with Mr. Ackles, Mr. Hollwedel, Mr. Papadakos, with regard to the lay-off of mechanical inspection personnel at that time?

A In '63?

Q Between April and June, 1963.

A No. Not at that time.

MR. CURLEY: Mr. Trial Examiner, there is no relevance whatever in this line of questioning.

TRIAL EXAMINER: I'm sure I don't know.

Q Did you have meetings with them with regard to the lay off of mechanical inspection personnel after June of 1963?

A I never have meetings with them in any reflection of lay offs. I only have a meeting with them indicating to them the reflection of reduction of hours which they just tailor to suit. I don't impose upon them any reductions.

Q Mr. Caliendo, do you know how many, if any mechanical inspectors were laid off between April 1963 and January 1, 1964?

A No.

Q You do not?

A No.

A No. I only do it at a given period in the morning.

Q Yes, but each morning?

A I try to keep it to each morning, yes.

Q What type of problems do you consult them about?

A People that are absent. They need additional shifting of personnel to carry out their duties. Making sure that they have no problems in the shipment of materials, handling of materials, using equipment. It is just a matter of walking through, checking a few minutes and keep on walking.

Q Do they discuss with you the problems that they have within their own jurisdiction?

A Yes.

Q Do they ever discuss with you problems with personnel, such as attendance or lateness or conduct?

A Not that, no. What they do is they just tell me where they stand for their force for the day. If they have a problem with personnel, they deal with me in my office. We don't discuss that on the floor.

Q I don't believe I understood you correctly, Mr. Caliendo, with regard to some actions you took because of the fact that you were in a firm-fixed price on contract.

Do you know, Mr. Caliendo, when it was that the company entered its first firm-fixed price contract for

the production of Drones?

A We had the first firm-fixed price incentive--

Q No. Firm-fixed price.

A Firm-fixed price contract is a contract that's for '65 production.

Q And, therefore, delivery when?

A 1966.

Q So you had no firm-fixed price contracts prior to the execution of the contract for 1966 deliveries?

A Yes, we did.

Q And that was executed in 1965?

A We do have sales order contracts which are all firm-fixed price on supply of spare parts and support equipment.

Q I asked you about Drones only. I asked you, did you have a firm-fixed price contract for the delivery of Drones prior to the executed contract of 1965?

A No.

Q Now, as a matter of fact, isn't it true that all the contracts that you had were incentive contracts or cost plus contracts prior to that time?

MR.CURLEY: Mr. Trial Examiner, I'm a bit confused here. Can we set the date or describe the number of this contract he is talking about? I am lost on the subject.

Q When did you tell Mr. Hollowedel that there was going to be an imminent lay-off in the packaging department?

A I told him that there -- that I would start reducing in the packaging area sometime in March we started discussing. But earlier than that we just reviewed the work load, that's all. No reduction decision made yet.

Q Now, would you tell the Trial Examiner, please, what type of packaging was being done in the Gyrodyne packaging department in April, May and June, 1964? In other words, that part of the packaging which had not been subcontracted out.

A Oh, we were doing -- the electronics we didn't give out right away.

Q When did you give out electronics?

A We didn't have much more to do, it was facing out at that period of time. The next contract requirements were coming in in the fall, so we were facing out the requirements that were on hand.

Q All right. So in June 1964 were you packaging your own electronics parts?

A Yes, sir.

Q You were?

A Yes, sir.

Q Would you speak a little louder? I can't hear you.

A Yes, sir.

Q And were you packaging the transmissions and blades in the shop rather than subcontracting the packaging?
A And we still do it.
Q So that in June of 1964 you were packaging the transmissions and the blades?
A That's correct.
Q And you were also packaging the bird itself in the plant?
A No. We only assist. That's a subcontract job and it has been since the beginning of time.
Q So that hasn't changed?
A No, sir.
Q What else were you packaging in the plant rather than subcontract?
A Nothing else that I recall. We were giving out the machine parts and the hard parts that didn't require any delicate handling, and that didn't require special reusable containers. The electronics had special reusable containers, it was a matter of moving them in and shipping them out. There was nothing extensive in the packaging requirements for these items.
Q When did you start sending out large items which did not need delicate packaging? When I say "send them out," I don't mean token send them out, send them out in substantial quantities.

A It was token right straight through. In fact, even to this day there is nothing large. We don't have that much. There isn't nothing exceptional in quantity.

Q That's being subcontracted out?

A No. We just subcontract as the requirements come in. Even today with only two packers in the department, we still package our electronics in cans. We still package our Drones, assist. We still package blades and blades are fizzling out. And the transmissions, they must have finished just about July of last year. We have no more spare transmissions.

Q I didn't say anything about spare--

A That's all the transmission is, is a spare.

Q Would you tell the Trial Examiner whether -- I will withdraw that.

Would you tell the Trial Examiner, Mr. Caliendo, whether you trained any packaging inspectors prior to the lay-off of Billone and Lodato?

A I don't train inspectors.

Q Do you know if Mr. Hollowedel trained any inspectors?

A I have no conception.

Q You don't know?

A No.

Q Do you know who took the place of Messrs. Billone and Lodato in doing the packaging inspection?

A I know of the individual that's there.

Q You say individual?

A The individual. There is only one individual.

Q What's his name?

A His name, and that's part time, is Joe Mastrangelo.

Q It is your testimony that Joe Mullins doesn't do any packaging inspection?

A I didn't say that. In the packaging area, Joe Mullins inspects packaging of Drones and blades and transmissions. That's all.

That's not done in the packaging area.

Q I didn't ask whether it was done in the packaging area. I don't care if it's done in the packaging area or anyplace else.

Does Joe Mullins do packaging inspection?

A Yes.

Q Does Mastrangelo do packaging inspection?

A Yes.

Q Isn't it a fact that neither of them were trained prior to 19 -- June 19, 1964, to do packaging inspection?

A I don't know that.

Q You don't know?

A No, sir. You would have to take that up with the quality control department.

Q Do you know whether the Navy complained with regard

to the training of Mastrangelo to do packaging inspection?

A It has no bearing on my job. I don't know.

Q You testified, I believe, that you were familiar with the packaging department and packaging techniques, and that's why I asked you these questions.

A You asked me the basic qualification of an individual and I can't answer you that. It is not under my direction.

Q You testified, just to go back one step here, that under a firm fixed price -- I will withdraw that.

MR. LEINER: May we have just a moment, please, Mr. Examiner?

(Short pause)

Q Do you know the name Jansky?

A Yes.

Q Lou Jansky, Mr. Caliendo?

A Yes.

Q Is he a lead man, a supervisor in the experimental blade shop?

MR. CURLEY: I object to this as being without the scope of the direct examination.

TRIAL EXAMINER: I can't tell yet. I don't know.

A Is he a lead man--

Q (By Mr. Leiner) Or a supervisor.

A I don't think so. I believe that Lou Jansky is strictly a project engineer assigned to fiberglass blades. He is

when I got reports from my other supervisors that he was carrying this on --

Q Do you know that Mr. Papadakos gave him one of the transfers up in his office in 1962, before the union election?

A Possibly. He wasn't under my jurisdiction in 1962.

Q Do you know when Mr. Giovannello was first employed by the company?

A I know he was there before me. So I guess around 1960. I may be wrong. '61. Sometime around there.

Q I believe you testified that with regard to Caliendo and-- I beg your pardon -- could you excuse me?

I believe you testified with regard to Mr. Svandrlik and Mr. Giovannello that Hoffman on the day of their discharge came to you and told you that he had ordered them to be quiet and that they had disobeyed his orders and that you verified this through Louis Alfieri, and then you authorized their being discharged.

Is that incorrect?

A No, I didn't verify with Alfieri that day that that happened. I verified with Alfieri prior to this, that he was acting in the fashion that Harry Hoffman had described, yes.

Q Mr. Caliendo, did you ever discuss with either Mr. Hoffman or Mr. Alfieri the problem of the union organization

each man accordingly.

Q Very good. I just want to go over this just once more so I am sure I understand the date.

My recollection from your testimony in the direct examination of Mr. Lyons was that in March of 1964 you told Mr. Hollowiel that there was going to be a lay-off--I think you might have used the expression "reduction in force" imminently in the packaging department.

A It was imminent for the future, yes. Those are the words I used.

Q That was in March of 1964?

A That's right.

Q Do you know the name Jack Burke?

A I know of him, yes.

Q Was he a lead man in the packaging department?

A He was a packaging specialist.

Q You are telling me he was not a lead man to your knowledge?

A No, I didn't say that. He may have been. I'm not sure.

Q Did he have the powers of a lead man?

A He reported to Hoffman before I took over the department. I don't believe he did because they had John Donahue who was empowered to run the department.

Q John Donahue ran the packaging department?

A I believe he did, but I'm not sure. He ran it for

Hoffman.

Q When you say "ran the department," what did Mr. Donohue do?

A He was the packaging engineer who prepared the methods of pack and designated the type of packs to be applied as the material was received.

TRIAL EXAMINER: I don't remember Donohue's name.

MR. LEINER: Yes, it was in the testimony of both Giovannello and Svandrlik with regard to their being given a pay raise on the very date that they were being discharged and their being promoted to Class A packers. Donohue and Burke.

TRIAL EXAMINER: Burke.

MR. LEINER: I would be very surprised if we don't have Mr. Donohue's name in there. My records show it, but I could be wrong, Mr. Examiner.

Q (By Mr. Leiner) The company carried Mr. Burke as John A. Burke, Jr., lead man, packaging; was employed between October of '62 and March of '64.

A Prior to that I didn't say he was a lead man. I said I didn't know. I told you that the only one I knew of was Donohue reporting to Hoffman, who was giving instruction. But this was prior to my takeover, which I changed.

TRIAL EXAMINER: Svandrlik said he had a conversation

had two words with Dennis since I have been employed with this company, believe it. I never see him.

Q I will accept it, Mr. Caliendo.

A I deal only with his boss. I deal with his boss only, Mr. Ackles.

Q By the way, there was something you said which I didn't quite understand. You said that Mr. Ackles was in charge of the blade shop.

Now, as a matter of fact--

A At that time.

Q At what time?

A At the time that you were questioning, in '62 or '63.

Q Who is in charge of the blade shop in 1964?

A There was a date; I'm not sure of the month, now --

Q In June of 1964?

A I believe it might be June, July; around that period of time; I know Mr. Mancini was given the blade shop. I don't know the exact time.

Q The blade shop?

A He was given the blade shop with the machine shop, yes. They joined them together. He has jurisdiction over both.

Q It was my understanding, and you correct me if I'm wrong, that Mr. Dennis was the supervisor or foreman of the blade shop;

A Mr. Mancini was given the responsibility of directing the blade shop with the machine shop over Mr. Dennis. Mr. Dennis is still supervisor in charge of line operations. This was to relieve Mr. Ackles of some of his assignments.

Q You testified, I believe, that the 1964 production of blades would amount to about 1200 blades.

A 1964? It was 15 sets a month up to about May or June and then it went up to 25 sets a month.

Q In May or June?

A No, up to June, which is vacation period, the end of June. Right after vacation it went up to 25 sets a month. A hundred blades a month.

Q So you had 100 blades a month production starting in July 1964 as opposed to 60 blades a month required in June of 1964?

A That's correct.

Q The jump went from 60 to 100?

A That's correct.

Q Did you know whether Mr. Mancini had made any speeches in the machine shop with regard to the amount of work available in the machine shop and -- well, did you know that?

A I didn't know that.

Q Did you know any speeches that Mr. Mancini made?

A No, I didn't. I haven't heard about that.

MR. LEINER: Mr. Examiner, I hear rumblings from all around about the time. Do you want me to stop now?

TRIAL EXAMINER: I was hoping you wouldn't detain Mr. Caliendo any longer.

MR. LEINER: I have a few questions.

TRIAL EXAMINER: Go ahead, then.

Q (By Mr. Leiner) I think you testified that after you got agreement from the contract negotiator and I believe you said from Mr. Papadakos, that you initiated a buy program -- I withdraw that -- a make program in the shop instead of buying from vendors, is that true, in order to save jobs and in order to keep a crew on hand in case of emergencies?

A I had recommended to Mr. Papadakos a listing of items that should be removed from the buy list to the make list in order to increase the amount of work that could be put into the machine shop.

Q When was this recommendation to Mr. Papadakos made by you?

A Approximately I'd say around February of 1964.

Q Was it in writing?

A I have charts. It wasn't a memo. It was just a chart. Yes, I did give him a memo on that; you are right. There is a memo and there is a chart which shows the influx of

work needed in the machine shop.

Q And that was okayed, is that right?

A No. He told me to pursue it for the legality of it. In other words, I would have to take it up with our contract department, who in turn had to discuss it with the contract officer to have these items removed from the buy structure over to the make structure.

We have to get permission.

Q Do you know whether your recommendations were followed through and allowed by the company?

A Yes.

Q So that what you recommended for the company to now make instead of buy was allowed?

A No, I didn't recommend it on this contract to buy. They were on the buy list from the previous contract, but because of the learning curve that was imposed on the hours that were being utilized, we needed extra work, so I recommended a shift.

Q And you say that you brought in about 15 to 20 thousand hours back into the machine shop, is that right?

A That's correct.

Q When did you figure that that 15 or 20 thousand hours would have an impact?

A Oh, it would begin around the end of March and carry right through to about January and February of this year,

which is exactly what happened.

Q So you brought 15 to 20 thousand hours back in the machine shop under a make program and it had its effect in March of 1964 and carried right through -- around--

A The full impact was in the fall. Because there were castings, forgings involved.

Q There was a small impact in March and then it got larger in April, larger in May, larger in June?

A It tapered off around August.

Q And it was that type of make program which not only increased the work for machine shop employes but also increased the work for mechanical inspectors of their goods that were now being made; isn't that so?

A Well, it affected the inspection of the machine shop.

Q What do you mean by"affected"? Didn't it increase it?

A Yes. But it took it away from the incoming receiving inspection. You can't have it in both places. If you take it in here, you do it here, it gives you more inspection time.

Q And, therefore, you had more inspection work for the machine shop mechanical inspectors in July of 19 -- June of 1964 rather than in January of '64; isn't that so?

A No. In January of '64 we were tapering out a contract. For the future there was a reduction -- there was not sufficient material to be worked on in the machine shop

incoming. That group could do it. There are individuals who are not capable of doing certain work, that I can't answer, but that group did it.

Q Now, I believe you testified that with regard to the motor pool you saw -- I will withdraw that -- that you knew as far back as October, 1963, that you would have to reduce the size of the motor pool; is that true?

A Well, I knew that because of what we had proposed in the contract for the coming year that it was evident that there would have to be a reduction, yes.

Q I just want to make sure that we understand each other.

I believe you testified that in February 1964 the company was about to embark on a new type of contract which differed from the preceding contract.

Was that your testimony?

A In what respect?

Q Well, I believe you said that you were now going on a fixed price contract rather than a cost-plus contract.

A We were going on a fixed price incentive. If I left the word "incentive" off, it was my mistake.

Q So that, as a matter of fact, the contract which was executed in around February 1964 was the first Drone fixed price incentive contract that the company had, is that true?

Q He doesn't work on any piece of metal himself, does he?

A No.

Q It's paper work?

TRIAL EXAMINER: The testimony is that in the judgment of Mr. Caliendo or someone else this man we are talking about, -- which one is it?

THE WITNESS: Mr. Spicer.

TRIAL EXAMINER: --was not qualified as a dispatcher. If you want to prove that he was qualified, bring him in. I am not going to listen to any more of this.

MR. LEINER: You have only heard one question, Mr. Examiner.

TRIAL EXAMINER: I have heard enough to let me know that you will get nowhere on it, I will get nowhere on it. All you are doing is cluttering the record with a lot of fishing questions.

Q (By Mr. Leiner) Did you testify, Mr. Caliendo, that Mr. Ackles told you that Edward Galvani was merely a driver of an oil truck and had no oil burner installation experience?

A That's what he referred to.

Q That's what he told you?

A Yes.

Q Now, with regard to Richard Waltz, was it you who discharged him?

A I approved his discharge. The recommendation came from two supervisors.

Q Who were the two supervisors?

A Lou Alfieri and three months later Dom Avisano.

Q When did Mr. Alfieri recommend his discharge?

A I wouldn't know the exact date, but it was sometime in the latter part of '63, and then Avisano came up with his about the end of February, early March, something like that, when he was discharged.

Q Waltz was discharged in February or March?

A I say whenever it was, when he was discharged. I believe it was in March. I may be wrong by a month or so. Maybe it was April. I don't recall. To me it's forgotten. It's past. But if you want me to refer to the record, I could have gotten the information.

Q My recollection is he was discharged in June?

A I don't believe it was that far back, but maybe it's so. I don't know.

Q If he were discharged in June, when was the Alfieri recommendation?

A Look, Alfieri's recommendation was about three months prior to Dominick Avisano's. I switched Waltz away from Alfieri because I thought it was a personality conflict and I didn't want the man subjected to any wrong mishandling.

Respondent's Exhibit 29.

A It was in the latter quarter of 1963.

Q This entire document, is that right?

A No. Not that document itself, but there was another document where this was extracted from.

Q Mr. Caliendo, please answer my questions.

May I ask the Examiner to instruct him to answer my questions?

TRIAL EXAMINER: Just ask your question.

Q (By Mr. Rubenstein) I am not asking you what came to you at some other time. I asked you about this four-page document that was offered in evidence on your testimony, Mr. Caliendo, and is identified as Respondent's Exhibit 29.

Can you tell me when this came to you?

A This document came to me possibly about 60 days ago.

Q Sixty days ago?

A Yes, sir.

Q Do you know who prepared it?

A It was prepared by the methods engineering department.

Q And when you first saw it, it was as -- in the same form as it was offered in evidence here?

A In this format, yes.

Q I think you testified before that all of it was done about 1963, is that correct?

A That's correct.

when personnel took the action. If they took it the same day -- whatever it was, I approved the affidavit and sent it on to personnel. They normally handle it from that point.

Q Isn't it a fact, Mr. Caliendo, that he asked that he be -- his resignation be as of two weeks later?

A If I remember correctly I think there was something in there, whether it was a week or two weeks, but it was a matter of another man being laid off and we had chose to let him go to save the other man who was tentatively submitted for lay-off.

Q You say "we have chose." Who is "we"?

A Me and my supervision.

Q So that when you said before that he was let go as of the same day without your knowledge, you weren't telling the truth?

A I didn't say he was let go the same day. I say I don't remember whether it was the same day. If it was, it was. But I am just saying that when he submitted his resignation I had to use him to be laid off instead of someone else who was tentatively going to be laid off. Dota was not on the lay-off list.

Q When is the vacation period, Mr. Caliendo?

A This year?

Q When was the vacation period in 1964?

with counsel with regard to the answers you have just given with regard to the value of the spare parts contract?

A No, sir.

Q You did not?

A Not on these dollar figures I did not. This is the first time I seen it. I did ask about the cost plus. I didn't think that 0251 -- this was my recommendation.

Q Mr. Caliendo, did you recommend to Mr. Papadakos that the employes under your control wanted to hear him speak again on June 12th?

A Did I recommend? No. He asked me when he was passing me in the hall how it went and I told him, I said, "Why did you stop," because he did ask for a recommendation for people who wanted to stay and he would allow -- he would be allowed to keep talking in order to hold the people over. But he had the understanding that they wanted to go home and he cut it short. So I told him that my people had told me that they wished he kept on talking because they were interested. I passed this remark to him.

Q Which of your people were interested?

A My dispatchers and expediters.

Q Does that mean Mr. Roman, Mr. McMillan--

A No. My dispatchers and expediters are in the assembly area and machine shop area.

RECEIVED
APR 21 1969
CLERK OF THE UNITED
STATES COURT OF APPEALS

No. 22,186

United States Court of Appeals

FOR THE
DISTRICT OF COLUMBIA CIRCUIT

United States Court of Appeals
for the District of Columbia Circuit
FILED APR 21 1969
Nathan J. Paulson
CLERK

INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE AND
AGRICULTURAL IMPLEMENT WORKERS
OF AMERICA (UAW),

Petitioner.

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent.

ON PETITION TO REVIEW AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD

APPENDIX

VOLUME III

MARCEL MALLET-PREVOST
Assistant General Counsel
National Labor Relations Board
Washington, D. C.

JOSEPH L. RAUH, JR.
JOHN SILARD
ELLIOTT C. LICHTMAN
United Automobile Workers
1001 Connecticut Ave., N.W.
Washington, D. C. 20036

THE CASILLAS PRESS, INC. — 1717 K Street N. W. — Washington, D. C. — 223-1220

INDEX

	Page
Excerpts from Transcript of Proceedings	1
Proceedings	3
Witnesses:	
Robert Reichle	
Direct	27
Cross	38
Recross	61
John S. Hughes	
Direct	62
Cross	70
Michael Zafrano	
Direct	74
Peter Roman	
Direct	121
Cross	175
Redirect	219
Ernest A. Petito, Jr.	
Direct	248
Urbano Carl Giovanniello	
Direct	287
Cross	304
Stanley J. Svandrlik	
Direct	306
Cross	323
Redirect	335
William J. Aylward, Jr.	
Direct	349

Page

Witnesses: (Cont'd)

Martin J. Pipia
Direct 513
Cross 529

Peter K. Bohler
Direct 558

Joseph Damato
Direct 629
Cross 648
Redirect 672

Frank Lodato
Direct 674

Joseph Damato
By Examiner 711
Direct 712

Frank Lodato
Cross 713
Redirect 737

Michael A. Billone
Direct 743
Cross 765

Richard Waltz
Direct 827
Cross 833

Jonathan J. Rosenblatt
Direct 869
Cross 897

Stewart Powell
Direct 916
Cross 923
Redirect 930
Recross 935

Witnesses (Cont'd): Page

Richard S. Thompson, Jr.
Direct 936
Cross 977
Redirect 1027
Recross 1050

Cletus W. Scheperle
Direct 1051

John G. Wolf
Direct 1086
Cross 1105

Angelo Puterior, Jr.
Direct 1112
Cross 1126
Redirect 1132
Recross 1133

Edward Pacilio
Direct 1133
Cross 1140

Robert L. Martinez
Direct 1158
Cross 1180
Redirect 1198
Recross 1201

Frank Vella
Direct 1205
Cross 1213
Redirect 1240

Lucien Marsan
Direct 1245
Cross 1259

Witnesses (Cont'd.) Page

Edward Galvani
Direct. . . . 1265
Cross 1274

Carl G. Schmidt
Direct. . . . 1280
Cross 1296
Redirect 1303

Walter Kargauer
Direct. . . . 1312

William Fluellen
Direct. . . . 1345
Cross 1354

Michael J. Petralia
Direct. . . . 1359
Cross 1373
Redirect 1382

Edward W. Hurley
Direct. . . . 1384
Cross 1392
Redirect 1394
Recross 1395

Frank Lupardo
Direct. . . . 1398
Cross 1416

Lewis E. Urban
Direct. . . . 1424
Cross 1438

Augustus Bentivegna
Direct. . . . 1453
Cross 1460
Redirect 1462

Witnesses (Cont'd.)	Page
Wallace E. Wall	
Direct	1462
Cross	1476
Redirect	1488
August Preite	
Direct	1489
Cross	1499
Carmine Dota	
Direct	1504
Cross	1515
Redirect	1527
Dorothy Mae Papadakos	
Direct	1545
Gust Johnson	
Direct	1571
Cross	1580
Redirect	1623
Dorothy May Papadakos	
Direct	1638
Cross	1642
Peter Papadakos	
Direct	1790
Cross	1935
Anthony Caliendo	
Direct	2048
Cross	2215
John Hollwedel	
Direct	2319
Cross	2382

Witnesses (Cont'd.) — Page

Peter Papadakos
Cross 2439

Peter Ackles
Direct. 2524
Cross 2569

James Sullivan
Direct. 2627
Cross 2659

George Mancini
Direct. 2709
Cross 2742

Louis Alfieri
Direct. 2803

Warren Hauck
Direct. 2860

Frank Loganzo
Direct. 2887

Elton Balch
Direct. 2907
Cross 2925

Robert P. Southworth
Direct. 2941
Cross 2956

Vincent G. Reed
Direct. 2972
Cross 2976

William G. Dennis
Direct. 2985
Cross 3005

Witnesses (Cont'd.) — Page

James Manico
Direct 3039

Louis C. Jansky
Direct 3063
Cross 3067

Groff Ward
Direct 3074
Cross 3081

Albert Morel
Direct 3090
Cross 3097

Donald Francis Cook
Direct 3104
Cross 3122

Albert A. Beltran
Direct 3137
Cross 3154

Thomas Bousquet
Direct 3163

Bernard John LeBrun
Direct 3165

Roland Bacchus
Direct 3167
Cross 3170

Harry Hoffman
Direct 3171
Cross 3190

Witnesses (Cont'd.) Page

Donald G. Samuels
Direct . . . 3203
Cross . . . 3212

Joseph M. Bruno
Direct . . . 3214

Dominick Aversano
Direct . . . 3233
Cross . . . 3235

Edward Rogienski
Direct . . . 3239
Cross . . . 3242

Albert G. Dicks
Direct . . . 3252
Cross . . . 3255

John B. Strickle
Direct . . . 3273

Richard S. Thompson
Direct . . . 3281

Peter Roman
Direct . . . 3289

Arthur Nierenberg
Direct . . . 3315
Voir Dire . . . 3318

VOLUME IV

TABLE OF CONTENTS

Prehearing Conference Stipulation, dated September 11, 1968

Prehearing Order, Filed September 27, 1968

Trial Examiner's Decision, dated January 21, 1966

Excerpts from General Counsel's Statement of Exceptions to the Trial Examiner's Decision

Excerpts from Exceptions and Brief of Charging Party to Trial Examiner's Decision and Rulings

Board's Decision and Order, dated March 12, 1968

General Counsel's Exhibits:

1(c)– First Amended Charge Against Employer

1(e)– Second Amended Charge Against Employer

1(i)– Fourth Amended Charge Against Employer

1(y)– General Counsel's Opposition to Respondent's Petition to Revoke Subpoena Duces Tecum

1(aa)– Order on Petition to Revoke Subpoena Duces Tecum

1(cc)– Order Rescheduling Hearing

2 – Subpena Duces Tecum

3 – Excerpts from Employee Manual of Personnel Policies of Gyrodyne Company of America, Inc.

4 – Authorization to UAW-AFL-CIO signed by Peter Roman

7 – Authorization card signed by Urbano C. Giovanniello

General Counsel's Exhibits (Cont'd):

9 – Authorization card signed by S. J. Svandrlik

10 – Subpena Duces Tecum

11 – Letter of Transmittal from Gyrodyne Company to NLRB and List of All Employees who Terminated During the Period January 1, 1964 through October 31, 1964, dated December 23, 1964

12 – Authorization card signed by Martin J. Pipia

13 – Authorization card signed by Joseph Damato

14 – Authorization card signed by Frank Lodato

15 – Authorization card signed by Michael A. Billone

16 – Subpena Duces Tecum

18 – Inspection Report dated July 2, 1964

20 – Memorandum from RIC-BuWeps-Q.C. to J. E. Hollwedel dated August 21, 1964

21 – Authorization card signed by Stewart Powell

22 – Approximate Contract Value 1960–1965

31 – Authorization card signed by John G. Wolf

32 – Authorization card signed by Angelo Puterio, Jr.

33 – Report to Employees "How the 1964 Sales Dollars Were Distributed"

34 – Report to Employees "How the 1963 Sales Dollars Were Distributed"

35 – Authorization card signed by Edward P. Pacilio

General Counsel's Exhibits (Cont'd):

38 – Authorization card signed by Frank D. Vella

40 – Authorization card signed by Lucien Marsan

41 – Authorization card signed by Edward Galvani

44 – Authorization card signed by Carl G. Schmidt

45 – Authorization card signed by Wlater Kargaver

47 – Authorization card signed by William Flueller

48 – Authorization card signed by Michael Petralia

49 – Authorization card signed by Edward W. Hurley

50 – Authorization card signed by Francis J. Lupardo

51A – Flyer from UAW Organizing Committe "Company Promises Or UAW Guaranteed Contract"

51B – Letter from UAW Organizing Committe to "Dear Sir and Brother, dated February 11, 1964

51C – Flyer from Gyrodyne-UAW Organizing Committee "Gyrodyne Seniority System"

51D – Flyer from UAW-Gyrodyne Organizing Committee "Gyrodyne Security Just or Unjust?"

51D-1– Notice from Gyrodyne-UAW Organizing Committee to All Gyrodyne UAW Card Signers, dated April 2, 1964

51-E–51-Z Flyers from UAW-Gyrodyne Organizing Committee

51-AA – Flyer from UAW-Gyrodyne Organizing Committee

52 – Authorization card signed by A. Bentivegna

53 – Authorization card signed by Wallace E. Wall

General Counsel's Exhibits (Cont'd):

54 – Authorization card signed by August J. Preite

Respondent's Exhibits:

2 – Employment record card

14A – Letter from a Gyrodyne Employee

16 – Affidavit of Gust Johnson

20 – Letter from The Secretary of Defense to Mr. Papadakos, dated December 2, 1963

21 – Letter from The White House to Mr. Papadakos, dated December 2, 1963

22 – Letter from The White House to Mr. Papadakos, dated April 26, 1965

23 – Letter from Gyrodyne Company to Fellow Employees, dated May 11, 1965

26 – Communication from Department of the Navy dated March 19, 1964

Subpena Duces Tecum

28 – List of "Tool Name & Number"

30 – Inspection Fixtures Nos. (List)

Charging Party Exhibits:

8 – Petition to Revoke, Case No. 29-CA-57

JOHN HOLLWEDEL

a witness called by and on behalf of the Respondent, being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Lyons) Where do you work, Mr. Hollwedel?

A At Gyrodyne Company of America.

Q How long have you worked there?

A Four years.

Q What's your title?

A Director of quality and reliability control.

Q How long have you held that title?

A Since Gyrodyne -- since joining Gyrodyne.

Q Where did you work before you joined Gyrodyne?

A I was with Republic Aviation.

Q What was your job there?

A I was head of reliability and flight tests.

Q How long did you work for Republic?

A Approximately two and a half years.

Q Where did you work before that?

A Before that I was with Fairchild Guided Missiles Divis[illegible]

Q How long were you with them?

A About eleven years.

Q Do you have an engineering degree?

A Yes, I do.

Q What is the work that comes under your title at

Gyrodyne?

A I am responsible for the inspection of the material that we deliver to the Government and also for verifying that the quality assurance of the contractual provisions of the contract are met.

Q Do you have under that certain divisions of your work?

A Yes, I do.

Q In connection with the inspection that you just testified to, what is it that -- what departments do you have inspection in?

A Well, with respect to inspection, I have the responsibility for the mechanical inspection and the electronic inspection groups.

This includes the receiving inspection, the end process inspection and the flight test inspection.

Q How much of your time is devoted to this inspection work?

A To the inspection work itself, with respect to the supervision of the inspection work, I am involved in that about ten per cent of the time.

Q What is the other work in connection with these different departments -- will you please give us a general background concerning your work?

A Yes, sir. I have various groups in quality control of which inspection is a part.

In addition to this, I have quality assurance engineers who are responsible for both the avionic and the mechanical portions of the equipment that we deliver.

I also have the responsibility for the reliability engineers and I also have an engineer who is primarily concerned with the qaulification of the articles that we deliver. So consequently, the work that I am engaged in

is concerned with the operation of these various groups of people in connection with engineering, with the production people, with the production planning people, also my contacts with the Navy resident inspectors who are at Gyrodyne.

Q In connection with the avionic inspection group and the mechanical inspection group and the instrument calibration enspection group, what percentage of your time is taken up in work with them, not just in actual inspection, but in overall work with those three groups I mentioned?

A In supervising those three groups?

Q Yes.

A About ten per cent of the total time I am involved with the inspection and the functions of those groups of people.

Q In connection with the other 90 per cent of your time, will you break that down into departments?

A Into departments?

Q Yes.

With particular reference to the work you do with the production planning department.

A With the production planning department, I would estimate about 20 per cent of my time is involved in the planning operations and the manufacturing, though I have

direct dealings with the manufacturing and the fabrication people, that is, Mr. Ackles, approximately 10 per cent of the time. The other -- I would say another 10 per cent of the time I am involved with personnel, with administrative functions, preparing estimates, looking at new work, evaluating equipment.

I also contact the Navy people, I would estimate about 10 per cent of the time with them, and another 20 per cent of the time or so with the engineering personnel and procurement departments.

Q In connection with the preparation of proposals, who do you work with on that?

A I receive -- I work with production planning in the preparation of the proposals.

Q Is that Mr. Caliendo?

A Yes.

Q Would you tell us what your relationship is in connection with production planning? What do you give to him?

A Mr. Caliendo first provides to me the list of material that we are to either procure or manufacture. On the basis of this, I review the items that are in question and make the man power estimates for inspection that would be necessary in order to fulfill the contract requirements.

I prepare these estimates of manpower and project the manpower over the period of time that's involved and supply this information back to production planning.

Q And were you doing that in 1963, from June on and into 1964?

A Yes, I was.

Q In relation to the contracts with the Navy, then, did you have a certain amount of planning and cost control and cost reduction in connection with your departments?

A Oh, yes.

Q Was that also discussed in connection with Mr. Caliendo's projections and Mr. Ackles' fabrications?

MR. LEINER: Mr. Examiner, he is leading the witness. I object to it.

TRIAL EXAMINER: Proceed.

Q Did you?

A Oh, yes.

Q Would you tell us in relation to the mechanical inspection groups, did they work under your supervision? The mechanical inspection department?

A Yes, they do.

Q Did you have someone under you regarding the mechanical inspectors?

A Yes, I did.

Q Who was that?

A Mr. Groff Ward.

Q Would you tell me what time he worked under you?

A He worked under me since I joined Gyrodyne until around October or November of '64 when he assumed a different responsibility, but he still works under me, but no longer as chief inspector.

Q And in 1963 and in 1964, he was a supervisor under you?

A That's right.

Q Who else was working under you in the mechanical inspection department?

A Well, under Groff Ward, I had assistant foreman Loganza and Buddy Hauck. Buddy Hauck was the second in charge to Groff Ward.

Q And in connection with these mechanical inspections, did there come a time during the latter part of 1963 and up to June of 1964 in which there were surveys and forecasts made by you in connection with the programming of that -- the work in that department?

MR. RUBENSTEIN: Objected to as leading.

TRIAL EXAMINER: Overruled.

A Yes.

Q Would you tell us what you were doing in relation to the surveys regarding cost reduction?

A Throughout that period of time, and as a continuous

Prior to having a fixture, an item that would either be procured or manufactured would come into receiving inspection.

We have in inspection, a particular card that is derived from the drawing or the specification. It includes the dimensions. This card which we call the inspection operation card, includes the dimensions that are to be measured. It includes a check of the characteristics of the material such as the hardness or as to whether a sample has to be taken for chemical analysis.

It would include the check of locations of holes or a functioning of the item if there was something that moved within the item that was being procured.

Prior to having a tool, all of these items would be checked individually on surface plates using standardly available tools and gauges. Height gauges, depth gauges, micrometers, items like that. And each characteristic would in turn be checked.

When we have these - - when these particular tools were designed, they were designed with the intent of performing a functional type of test on the item where a functional test could be performed. That is, if you had, for example, a lever that had to move through a certain arc, rather than move this through an arc and measure it with a protractor, a pin would be put into one

end of the lever, it would be rotated and the other end would have to have this pin also to fit in. This would be a functional checking fixture.

Q Who designed these fixtures?

A The fixtures are designed by the tooling and methods group.

Q That is of Gyrodyne?

A That's right.

Q Could you tell us after you have explained about how a fixture works, what effect did the use of these have on the man hours taken for inspection previous to the use of these?

A The use of these particular fixtures greatly reduces the number of man hours involved because it decreases the total number of operations that an inspector would have to perform.

Q I notice on Respondent's Exhibit 30 that when you get to the end of a line which is marked in a space beneath a month, that over to the right of that is blank boxes.

Those blank boxes mean that those were the months and years in which the fixture was working at Gyrodyne?

A Yes. From the end of the arrow subsequent to that out in time, that the tool was available for use.

Q I wonder if you would point that out to the Trial

Examiner and let's be a little --

A This represents the period at which either the procurement or the manufacture of the tool was initiated. Some tools were manufactured in house. The majority of them were designed in house and actually subcontracted for manufacture. In this particular cycle, the -

Q You are indicating the first item on page 1 called what?

A Y-63-342700-306, hole location and cuff checking fixture.

TRIAL EXAMINER: What is the - the arrow runs from May to July. At July, it was fully installed available for use?

THE WITNESS: That is correct.

TRIAL EXAMINER: After July, the blank boxes show that that was -- that it was in continuous use after that, it was there and being used?

THE WITNESS: That is correct.

TRIAL EXAMINER: All through up until at least May of 1964 as shown?

THE WITNESS: Right through until the present.

TRIAL EXAMINER: And that type of designation would hold true for the second item listed on that sheet, that is, it was initiated in August, it was ready in September and was available for use or used for every month after

that up to and including May of 1964?

THE WITNESS: That is correct.

TRIAL EXAMINER: On the first sheet. I think that is clear enough.

MR. LYONS: Thank you.

Q Mr. Hollwedel, can you also tell me whether there came a time when you used the method of sampling inspection and explain if you did, what it was and how it was worked?

A Yes, we did. Initially, inspection was being performed against the drawings that were generated by engineering in which the inspectors had to eprform the additional task of locating the dimension and determining the means by which that dimension would be checked, that is, whether they would have to put the item on a surface plate, how they would have to position it,where they would derive their reference for the measurement and so on.

As I began to look into this aspect of the mechanical inspection, to determine, again, where we could save costs, there were two things that were indicated. Number one, we could pick out and select this information and by we, I mean my quality assurance engineers who work directly for me -- we could pick out the specific points that we wanted inspected and place these

separately rather than have someone extract it from a very large drawing.

We put this inormation on inspection operation cards.

In addition to this --

Q Before yougetonto in addition to this, are you finished with the thing about sampling?

A No, I haven't come up to that yet.

Q I'm sorry, sir.

A In addition to putting this information on the inspection operation cards, we continuously reviewed the performance of our subcontractors to determine the quality of the items that they are delivering, that is, whether every shipment that we get from someone or every item that's made within our own shop is inspected at the end of the line and we have no particular discrepancy, this means that the shop that is actually doing the job for us, it is a good one.

We like to keep these subcontractors.

In turn, we can benefit ourselves by -instead of inspecting each and every piece, we request -- we can inspect a selected few, that is, we may receive a hundred special bolts from a subcontractor. If our past history has indicated that this particular subcontractor normally delivers us good materials, we have a statistical plan that

permits us to select eight out of that hundred.

We perform all of our inspection against these eight items. If we find no discrepancy on these eight items, we accept the whole lot of one hundred. If we have one rejection out of the eight, we may then in turn and it is selected by the statistical plan that we use, we may then in turn examine an additional group of 16 to determine whether any others have this particular characteristic in error.

If it does, then we reject the whole lot. Otherwise, if it doesn't have that particular error existing, then we accept the whole lot.

There is a consumer's risk associated with it but we have had a very great success with it and it has enabled us to move the parts without going through a complete one hundred percent inspection that has been performed previously by our subcontractors.

TRIAL EXAMINER: Did the Navy object very strenuously when this thought was projected or brought to their attention?

THE WITNESS: There is an - within the Navy system, a military specification. It is called Mil Standard 105. It is the statistical basis for sample plans. Also, our contracts -

Q Would you explain that a little more fully? There is

something in the Navy specs that says you are supposed to do it this way?

A No. There is a Navy specification that covers the details of how you perform sampling inspection.

In our contracts, there is a provision that we can use sample plans if approved by the resident government people. Consequently, whenever we want to use a sample plan, we go to them, we present our plan to them, we give them the past history, the performance of our subcontractors and then they permit us to go to sampling plans. But we use sampling only with their particular approval and review of the plan that we expect to use.

Q And has this resulted in a reduction of man hours of inspection?

A Yes, it does.

TRIAL EXAMINER: Who benefits from that reduction in cost of man hours?

THE WITNESS: The Navy benefitted from this reduction in man hours on the cost plus programs. I'm not familiar with that area of contracts.

Q Now, in connection with the sampling, you also ran into - ran over, I think, into what you called getting good subcontractors that were familiar with the past - is that what you call source selection?

A Yes. It is called source selection, vendor quality

selection. We have a program of surveying our vendors and determining their capability either prior to or immediately after awards in attempting to select good vendors at the start.

We quite often select vendors that appear to be capable of doing a particular job and then later on, in the course of the job, they get into trouble.

We have a team of personnel that consists of procurement personnel, production engineering personnel, who are under the engineering department, and my quality assurance engineers, who are part of my department, who visit these particular vendors that- in an attempt to get at the source of their trouble and to correct the problems.

As we receive material, we may find a hole is mislocated. We recognize this immediately. Well, we won't drop the matter right there, return it to the subcontractor and ask them to -- well, fix this up or do something about it.

Instead what we do, is,we will follow up each reported discrepancy that we come across in inspection to the subcontractor and we go out and visit them on these particular problems periodically to determine what caused them to put the hole in the wrong place.

Was it an error in the drawing? Dis his operator

MR. LYONS: I was talking about testimony this morning, I think, just on what Mr. Hollwedel was just covering. Some work that was done in the machine shop by the men fabricating in that area.

TRIAL EXAMINER: Yes, we did have references to buy lists and make lists and I just wondered --

MR. LYONS: This is make. He was just finished with the buy, is that right?

THE WITNESS: Yes, I had discussed the buy.

Q Now, as to the make, with reference to the machine shop and the type of thing they were making and their ability to make it so that inspection would be affected.

A That is correct.

Q You tell me about it.

A Through their familiarity with the parts, they made less errors, there were less problems. We also generated checking fixtures for the make items that were being made in house. We also incorporated sample plans against our own make items in house, in the machine shop.

Q How would the improvement in the make items, that is, by the efficiency in making, in the ability to make them without mistakes, how does that affect inspection?

A There were less errors that were actually being generated within the shop. The man hours that we had to apply to the inspection of the material was consequently

much lower.

Q What about the rejections?

A The rejection factor was lower. We would have less rejections which would mean less inspection. Any time we encounter a rejection in our machine shop, the part has to go back for re-work or it has to be repaired. Then after that particular repair or re-work is accomplished, the item is returned to inspection in which we quite often not only have to inspect that characteristic that was repaired but we also have to make other inspections to determine that no other damage was caused to the article.

These are additional man hours that you don't anticipate.

Q Let's get on to the reduction of the work force as it started in 1964.

Do you know a man named Ernest O. Petito?

A Yes.

Q And in March of 1964, do you know, of your own knowledge, whether he was terminated or not?

A Yes, he was terminated.

Q Would you tell us, if you know, the circumstances under which Mr.Petito was terminated and who terminated him?

A Mr. Petitio was terminated by me at the recommendation of Mr. Ward, who is the chief inspector and

responsible for mechanical inspection at the time.

Q What were the circumstances and facts concerning Mr. Petito's being terminated by you in March of 1964?

A Mr. -- the basis for the termination was unsatisfactory work. Mr. Petitio had been in and out of inspection a few times. He had been with other departments of the company and he had returned to inspection in which he had been assigned jobs that he didn't satisfactorily perform.

Q Tell me this. At the time that you terminated him in March of 1964, did you take -- did you know or did you consider anything concerning any alleged union activities by Mr.Petitio?

A None.

Q Did you have any knowledge of his belonging to a union or did you pay any cognizance to it?

A None.

MR. LEINER: Objection, Mr. Examiner. There are two questions in there.

I object to the form of the question.

Did he know and then did he pay any attention to it if he did not. And the answer was singular.

I don't know which the answer referred to.

TRIAL EXAMINER: Well, ask them separately.

Q Did you have any knowledge of Mr.Petito being a

member of the union?

A No, I did not.

Q Did you care or consider whether he was a member of the union when you terminated him?

A No. I didn't care and I didn't know.

Q Did you ever have any conversations with Mr. Groff Ward concerning Mr.Petito being a member of a union?

A None.

Q Did you ever have a conversation with anybody concerning Mr. Petito being a member of the union?

A None.

Q Did you have any instructions from any superior of yours to terminate Mr. Petito because he was a member of a union?

A I did not.

Q Did you ever receive any instructions from a superior of yours concerning the membership of anyone in the union?

A No, I did not.

Q Now, let's get to the earlypart of 1964, going up to June, and tell me what the work situation was as regards to mechanical inspection and what the workload was.

A For whichperiod?

Q From January 1st, 1964, or shortly before then, up through June of 1964.

A In the mechanical inspection areas, we had inspection personnel working at various inspection functions. There was a night shift in the machine shop at the time. We had inspection coverage for that particular night shift.

Q Before I go on, I just want to cover one other thing.

On June 19, 1964, two men, Mr. Billone and Mr.Lodato, were terminated.

A Yes.

Q They were laid off and they were -- what was their job?

A They were mechanical inspectors assigned to the packaging department.

Q Will you tell us the circumstances concerning their layoff and who laid them off?

A Yes. Early in January or February, I was aware through the periodic meetings that I have with Mr. Caliendo in planning, that they were contemplating eliminating the packaging function at Gyrodyne.

We had two men assigned to this particular task. There was a purchase order released somewhere around March to Abilities to start to have Abilities perform packaging on the outside to eliminate the function at Gyrodyne.

Then in June, my recollection was it was early

in June, Mr. Caliendo informed me that they were in fact going to do away with the packaging function and Abilities or other companies would be doing the packaging function for Gyrodyne.

I therefore reviewed the capabilities and the background of the two people who we had over there, Lodato and Billone, also recognizing that we were on a cost-reduction program - we had no other areas in the department or in other departments that we could use them. So I made the decision to have them laid off.

Q In fact, just around that time in June of 1964, you had to lay off a great -- a considerable number in avionic inspection and in mechanical inspection, is that not right?

MR. LEINER: Objection, Mr. Examiner.

He is leading the witness.

TRIAL EXAMINER: All right. Sustained.

Q Don't answer that, Mr. Hollwedel.

Let me ask you this. After you laid off Mr. Billone and Mr. Lodato as mechanical inspectors on June 19th, 1964, did you also have to terminate the services of some mechanical inspectors?

A Yes, we did.

Q And inthe mechanical inspection department, do you know the names of the men that you terminated?

A Yes. I can recall some of them.

There was Hurley, Marsan, Wysocki. I am trying to think of the areas. Puterio and Powell.

Q May I ask you if you have exhausted your thoughts concerning who the men that were laid off in mechanical inspection? If not, I will refresh your recollection with the permission of the Trial Examiner concerning some other names but first you must exhaust your recollection.

A Let me think a moment.

That's all I can recollect.

Q Well, I show you this -- I show you now General Counsel's Exhibit 11 and I ask you if -- would you look at General Counsel's 11 in here? General Counsel's 11 is a list of names of employees that were terminated between January 1st and October of 1964.

I will ask you, Mr. Hollwedel, to -- starting here, would you list the names of the ones in mechanical inspection who were terminated?

I'll check them off.

A Michael Billone.

TRIAL EXAMINER: He was a mechanical inspector?

THE WITNESS: Yes. He was a mechanical inspector assigned to packaging function.

You don't want the resignations in that same period?

Q Give us the resignations, too.

MR. LEINER: I object, Mr. Examiner. The resignations have nothing to do with this case.

Involuntary terminations we are interested in.

TRIAL EXAMINER: I don't think it makes much difference.

A We had Powell who was a mechanical inspector in receiving.

Puterio who was a mechanical inspector in receiving.

Marsan who was a mechanical inspector in the machine shop.

We had Carl Schmidt, I had forgotten, the Blade Shop. He was an inspector in the Blade Shop.

Hurley, who was a mechanical inspector in the machine shop.

Wysocki, who is a mechanical inspector in the casting and forgin and process area.

Q Just up through July 1st.

A That's through July. I think I have picked up the mechanical inspectors.

Q I think you added Hurley and Schmidt after refreshing further your recollection.

A I had mentioned Hurley but I had forgotten Schmidt.

Q Would you tell us what the reasons were that these lay offs occurred?

A The reason was lack of work.

Q And would you tell me whether you discussed this lack of work and for how long a period of time you discussed this lack of work and with whom did you discuss it? When did you start?

A Well, specifically to cover the lack of work areas, we are continuously having discussions among the department heads, that is, Ackles and Caliendo and myself,concerning workloading.

Q What do you mean by workloading? Is that the amount of work that's projected that's going to come into your area within a certain number of months?

MR. LEINER: Objection, Mr. Examiner, objection.

He is giving the witness the answer. The witness can testify.

TRIAL EXAMINER: Mr. Lyons, every time you try to save a little time by leading questions, we lose time, so if you will just please try to avoid these situations, I would appreciate it.

Q Would you please explain about this workload?

A Workload is a -- the amount of man hours that we have contractually available to do jobs over specific periods of time. This means equating the number of men to the actual jobs that we have on hand for a projected period of time. We will project this as much ahead as

six months to a year to see what additional work we have received in the interim time, where it will fit into the overall schedules.

As far as I am concerned, whether I have the inspection people to cover these jobs for the periods that the work will be in house. This is done on a periodic basis. We sometimes -

Q What was the period that you did it on?

A On a monthly basis. We do this on a monthly basis.

Q When was the first time that you did this that showed you some evidence that -- of what the forecastwould be in the spring of 1964?

A Around February or March, it became apparent that on an overall basis, we would have a gross reduction in work outside of the packaging area which I was aware of prior to then. I was aware that in January, Mr.Caliendo had been thinking about going outside with respect to the packaging.

February and March, the projections indicated that we would have more man hours than was necessary to support the hours that we had allocated to the jobs.

Q Was that as far as mechanical inspection is concerned?

A As far as both mechanical and other inspection areas.

Q I am going to get to the other areas but I would like at this time to cover the mechanical inspection.

As the months went along from March through June, did this forecast which you had of the lack of work for these people, was it borne out?

A Yes, it was.

Q And then what happened in June?

A Well, in June, we laid off the people that we had reviewed, I and Mr. Ward had reviewed in the mechanical inspection area that we no longer needed.

Q As part of your review, did you also attempt to see whether there was any place that you could place these men?

A Yes, we considered the job that they had been doing, how long they were in the inspection department, what other adaptability they had.

Q What considerations when you decided to lay these men off, what factors did you take into consideration in terminating these men?

A Well, we considered how long they were in the inspection department performing inspection functions, the overall amount of time they had had in Gyrodyne and the adaptability of the people to either supply their capabilities to any other department.

Q I note that these men in the mechanical inspection

were terminated on June 29, sir.

Could you tell me when the vacation period was at Gyrodyne that year?

A The vacation period was the first two weeks of July subsequent to the-- I believe it was subsequent to the 4th of July week-end.

Q And June 29th, was that a Friday?

A Yes, it was a Friday.

Q Were these men paid for their vacations?

A Yes, they were.

Q Were they paid termination pay?

A Yes.

Q Were they paid notice pay in lieu of being told a couple of days before?

A Yes.

Q The ones that were entitled to notice pay, is that right?

A Yes.

Q There is a notice pay provision in Gyrodyne?

A There is a provision.

Q Was one of the reasons that June 29th was picked out was that these men would have an opportunity during vacation time to get to other employment?

MR. RUBENSTEIN: Objected to, Mr. Examiner.

MR. LEINER: He is leading the witness. I have

another objection as well, Mr. Examiner.

He is misleading the witness. Billone and Lodato weren't laid off on the 29th.

Q I have just been corrected on July 3, I believe, the plant closed down. Someone was laid off on July 1st, is that right, a Mr. Lupardo, is that correct?

A Following the 29th, we did have subsequent reductions of personnel because of reduction in work.

Q In fact, on July 2, there were quite a number of lay offs, is that right?

MR. LEINER: He is leading the witness, Mr.Examiner.

A I had two inspectors who were laid off.

MR. LEINER: I have an objection before the Examiner with regard to Billone and Lodato --

TRIAL EXAMINER: The answer is in. I don't know what good it does.

MR. LEINER: Perhaps an admonition to Mr.Lyons with regard to leading might have some effect.

TRIAL EXAMINER: I have admonished counsel so many times that I have just reached the point where it doesn't make much difference any more. It doesn't do any good. Counsel knows what leading questions are.

Objections are spread on the record. There they are.

MR. LYONS: I am sorry, sir. Both of those questions

were leading and I apologize to the Trial Examiner for doing it but it is late in the day and I thought I could shorten up the time.

TRIAL EXAMIENR: When you finish with the mechanical inspection department, we will recess for the day.

Q I just have a few questions here. After the mechanical inspection lay offs, didyou hire anybody to replace the people in that area?

A No, we had no subsequent hires.

Q And since June 29th, have you laid off other people without replacing them in the mechanical inspection area?

A Yes, there have been people laid off and people who have resigned.

Q Have you increased the overtime in any way?

A No, we have not.

MR. LYONS: I think that's all for tonight.

MR. LEINER: Mr. Examiner, I expected to see Mr. Papadakos here produced after Mr. Caliendo and I thought that was a stipulation we had agreed upon.

I was unprepared to see Mr. Hollwedel.

TRIAL EXAMINER: I don't think it makes much difference whether he comes now or later. I would much prefer we keep on with Mr. Hollwedel now and I can't see that there is any great prejudice attached to Mr. Papadakos not being here until he is needed.

P R O C E E D I N G S

TRIAL EXAMINER: On the record.

JOHN HOLLWEDEL

resumed the stand and testified further as follows:

DIRECT EXAMINATION (continued)

Q (By Mr. Lyons) When we suspended yesterday, Mr. Hollwedel, we finished with the mechanical inspection department as it existed under you during the period up to June, July of 1964.

Now, in addition to the mechanical inspection department, you-also had jurisdiction over the avionic inspection, is that correct?

A That is correct.

Q Would you explain very briefly what the avionic inspection department does?

A The prime responsibility of the avionic inspection department is to verify that the electronic equipment and the electromechanical equipment that we receive from subcontractors is as required by the purchase order.

This means that the purchase order that has been let to a particular subcontractor defines the functional and workmanship requirements of specific pieces of electronic equipment.

When the items are received in electronic inspection, the items are inspected. We verify that the

workmanship is of a good caliber and we inspect the wiring, we inspect to make sure that there are no extraneous pieces of metal that have been left in the boxes that might short out components and consequently affect the reliability of the components.

Then we functionally test the equipment. We test equipment that performs tests by simulating in-puts. We have read-out devices that read the out-puts of the electronic equipment.

This then verifies the performance of the equipment.

We have additional electronic inspectors who at the time were under Mr.Sullivan, who perform the electronic inspection of the equipment installation on the Drone to assure that there is no damage to this electronic equipment that has been included on the bird and in addition to verifying the system performance in the Drone.

Q In connection with that, do you also have an instrument calibration section?

A That is true.

Q Is that more or less for the purpose of this hearing a part and parcel of the avionic inspection?

A There were people who were under Sullivan at this particular period of time who were part of this instrument calibration group.

Q Now, would you tell us what instrument calibration

is and what the employees in it do?

A Yes. In order to verify the functional performance of the electronic equipment, test equipment is used. The criteria for acceptance depends upon the accuracy of the test equipment that is being used. The instrument calibration responsibility is to verify that the accuracy of the test equipment is maintained. This is done on a periodic basis.

Q In what proximity are these two departments?

A They are very closely located. The instrument calibration people are in the same area as the avionic receiving inspection personnel.

Q And who is under you in the table of organization of the avionic inspection department?

A Mr. Sullivan.

Q What is his title?

A He is assistant -- at that particular time, he was assistant foreman in charge of avionic inspection.

Q Who was the foreman?

A There was no foreman.

Q Then there was nobody between you and Mr.Sullivan in avionic inspection, is that right?

A That's right.

Q How about instrument calibration, was it the same?

A The instrument calibration personnel reported to

Mr. Sullivan.

Q All right.

We get to the spring of 1964. You testified concerning mechanical inspection and what you did in relation to the reduction in personnel.

Would you tell us what you did in relation to the reduction in personnel as regards the avionic inspection and the instrument calibration?

A Through my periodic contacts with Mr. Caliendo of production planning, I am kept abreast of the amount of work that comes into the inspection -- into the avionic inspection departments. I review with him what the workload is, what the projected workload is and in evaluating the workload, I can see that we did not have enough work to keep all of the people employed that we had in the department.

MR. LEINER: May we have a date on this, Mr. Examiner?

TRIAL EXAMINER: The spring of 1964.

A On reviewing the workload, I made the determination that we would have to either lay off people or have them transferred to other groups if work existed.

I discussed this with Mr. Ackles, who had no need for additional personnel. I thn followed up with Mr. Sullivan --

Q Will you give us now in depth what you and Mr. Sullivan talked about? Fill us in with your conversations with Mr. Sullivan, your reviews with him and just how this lay off came about in regard to the men selected and how long a period of time it took.

MR. RUBENSTEIN: I object to the conversation between the witness and Sullivan.

TRIAL EXAMINER: Overruled.

A Yes. As a result of my review, I determined that we would have to lay off personnel. I thn spoke to Mr. Sullivan about this and he agreed that his direct observation of the workload, of what was in house at the time, concurred with mine.

In addition to that, I also had information available through my conversations with Mr. Caliendo, and in looking at the anticipated workload for the remainder of the year, that we would not be receiving additional work that would keep the people busy.

I then asked Mr. Sullivan to review the people that he had reporting to him to determine how long they had been with the department, the experience they had, how long they were with the company if they had been transferred into the department, in order to determine who ther personnel would be that we would have to lay off.

Q By the way, would you describe the type of personnel that worked in avionic inspection and instrument calibration?

A Yes. They were technician types.

Q What do you mean by technician types?

A They had the capability of not only performing wiring work or assembly work, but in addition to that, they were familiar with the basic principles of electronics. They had an understanding of electronics. They could do some troubleshooting if we ran into problems with equipment.

Q What is electronics?

A Electronics is the science associated with electricity and the devides that are used generally in the high frequency generation. This includes equipment that might be termed power supplies, audio amplifiers, computers, receivers --

Q Thank you.

In connection with your conversations with Mr. Sullivan, would you tell us how long a period of time those conversations took?

A Yes. In making this particular determination, it was over a period of approximately three to four weeks.

Q How many times did you confer with him?

Q I would estimate that I conferred with him about

a half-dozen times.

Q And names were discussed and personnel were discussed, is that right?

A That is correct.

Q How many men did you have in the department at the beginning of this discussion?

A We had 23 people in this particular function.

Q Would you tell us what action was taken as a result of your conferences with Mr. Sullivan?

A As a result of my conferences with Mr. Sullivan, I made the final determination as to who the personnel would be that we would lay off.

Q And who did you lay off and what factors did you-- I think you told us what factors you had taken into consideration, is thatright?

A I did.

Q All right.

Who was it that were laid off?

A Well, there were Bernadini, Pallo, Vella, Martinez, Priete, Lupardo --

Q Do you have a memorandum that would refresh your recollection?

A I did copy down the names.

Q I would ask you to use it to refresh your recollection.

A And Wall.

Q Did you mention Martinez?

A Yes, I did.

Q And Petralia?

A Petralia.

Q Let me get it straight. Berardini, Fallo, Lupardo, Petralia, Priete, Vella, Wall and Martinez; is that correct?

A Yes, that is correct.

Q Mr. Vella, in addition to being under avionics inspection, was he also under instrument calibration?

A Yes, he was.

Q Do you know the length of time that these people worked for your company, when most of them were hired?

A Most of them were hired at the later part of 1963.

Q And considering the length of service that they had against the length of service that the other 23 had in the department, who had the greater length of service?

A The other personnel had the greater length of service.

Q All right.

Now we have this dischargee, Mr. Martinez, and General Counsel's Exhibit 37 is a critique or something that was put in by him to the company, is that right?

A Tbat is correct.

Q And are you familiar with that, sir?

A Yes, I am.

Q Did you read it?

A Yes, I did.

Q Didyou give it out for evaluation to someone?

A I did.

Q And would you tell us what teh result of the evaluation was?

A Yes. The results of the evaluation were that the recommendations that had been made by Mr. Martinez were not worthy of consideration in the product that we were delivering.

TRIAL EXAMINER: Was that that -- was that the young man who wrote up some suggestions and handed it in for review?

THE WITNESS: That is correct.

Q Who was it that reviewed his work?

A I reviewed it initially.

Q And you are an electrical engineer?

A That's right. I could see nothing in it that would benefit the company. However, since this was an engineering matter, I turned it over to Mr. Yates, who is a vice-president of the company who, in turn, presented it to Dr. Olshevsky, who is in a consultant research basis.

Q Were any of the suggestions adopted even up to the

present time?

A None of the suggestions were adopted.

Q Now, you had these lay offs of these people you mentioned on June 29th, 1964, is that right?

A That is correct.

Q I think that Mr. Lupardo was laid off on July 1st, would I be right on that?

A That is correct.

Q What were the circumstances concerning the difference in date?

A The difference in date - let me start over.

Upon reviewing the work again, which is a continuous effort on our part, indicated that we could let another man go and still not suffer in the work that we were doing. Consequently, I made the determination that we would leave another person go. That was Mr. Lupardo.

Q At the time of letting these people go and before then, did you have -- did you make an attempt to locate them within the -

A Yes, I did.

Q Did you locate anybody else in avionics inspection, was anybody transferred out of it?

A Yes. At this particular time, in reviewing the personnel that we had, I transferred one of the avionic inspector technicians to engineering. That was a

Mr. Sarich.

Q In going over the qualifications of these other men, were you able to place them in any other -

A No, I was unable to place them anywhere else.

Q Since the lay off in your department of avionics inspection, have you hired anybody else?

A No, we have hired no one else.

Q Have you laid anybody off since then?

A Yes, we have. We have -- todate?

Q Yes.

A Yes, we have. We have laid off and we have also lost some people through resignations.

Q Have they been replaced?

A And they have not been replaced.

Q What was the overtime picture before the lay offs?

A Before the lay offs, wehad little overtime.

Q Since the lay off?

A It has not changed appreciably.

Q What about the subcontracting since before the lay off or since the lay off?

A I don't understand.

Q Well, have you done any subcontracting of the avionic inspection work?

A No, we have never done any subcontracting of inspection work.

Q In connection with the packaging that Abilities, Inc. has done, do you have any inspectors at Abilities, Inc.?

A No, we have no inspectors at Abilities.

Q Would you tell me whether you know employees Mastrangello and Mullins?

A Yes, I do.

Q Who is Mastrangello?

A He is an electronic inspector.

Q He was such back at the time that the packaging department was eliminated, is that right?

A That is correct.

Q Now, in addition to his duties as electronic inspector, did he take on some added duties after the packaging department was eliminated?

A Yes.

Q What were those duties?

A He assumed the responsibilities in the packaging area for those occasions when we had some emergency packing to do.

Q What portion of his time is taken up with the inspection of packaging?

A Approximately five per cent of his time.

Q So in addition to his duties, he had as an electronic inspector, occasionally, for five per cent of his

time, he does emergency packaging inspection?

A That is correct.

Q What about this fellow Mullins?

A Mr. Mullins assumed the same responsibility but in the final assembly area, that is, the area where the Drones were packaged. Mr. Mullins is a leadman inspector and he performs inspection functions relating to the final assembly of the Drone.

Since this was done in Building 7, I had Mr.Salak assigned the responsibility for this function to him.

Q There was some testimony about the workload asof June 1964 being heavy or normal or something.

Would you tell us about -- and there was some mention even about a new screen room.

Would you tell us about the new screen room and whether it had anything to do with any extra work or heavy work?

A The screen room is what the name actually implies. It is a room that is shielded with copper screening and its only purpose is to prevent extraneous radio waves from entering into this particular cubicle. It has nothing to do with workload. It is merely another piece of test equipment or a device to cut down on extraneous radiation.

Q Now, you had a night shift during some time in 1964 in the spring, is that right?

A In 1964?

Q I'm sorry, in October -- from October to Christmas in 1963.

A Yes, we had a night shift at the latter part of 1963.

Q Would you tell us about the work done by the night shift and why it was done?

A Yes. We had -- the company had hired quite a few inspectors in the latter part of 1963. We did not have sufficient facilities available for these people during the day shift. The only way we could make use of the personnel was to put on the night shift to make use of the additional facilities.

There was quite a bit of squabbling between the day and the night shift over the amount of work because there was insufficient work to keep both gainfully moving at that particular period of time.

Q And what did they do with the work from the night shift to the day shift?

A Well, they apportioned it as much as they could and there was quite a bit of controversy as to who would do what. Each was trying to keep busy.

Q There wasn't enough work for both, is that right?

A That is correct.

Q Now, in relation to June of 1964, do you remember

Mr. Papadakos making a speech?

A Yes, I do.

Q Do you remember him at the end of the first day's speech -- what happened?

A Well, at the end of the first day's speech, at approximately four o'clock, he apparently was not complete and he asked the audience in general as to whether he should continue or whether he should stop at that particular moment.

There was a show of hands indicating something that apparently was very confused and he consequently dismissed everyone at that particular time.

Later on, after the shop personnel had left, I saw Mr. Papadakos and had mentioned to him that I thought he had misinterpreted the show of hands.

I apparently was not alone in making this comment to him and he rescheduled the continuation of the meeting the following day.

Q And who attended the following day?

A THe following day there were production people who attended plus personnel from - well, in the shop area, there are engineering type personnel. My supervisors in the engineering areas attended this particular meeting.

Q How many would that be?

A There were approximately 30 people who were located

on the mezzanine, which is above the shop area, that are not directly part of production, who attended this meeting.

There were also some quality control engineers from one of the other buildings who also attended this meeting.

Q Let me ask you this. These men in your department, avionic inspection, mechanical inspection, how near was the office that they worked in to the area where the speech was made?

MR. RUBENSTEIN: Who is they, may we ask?

TRIAL EXAMINER: Let us have the question, Mr. Reporter, please.

(Question read by the reporter.)

A The avionic inspectors and the mechanical inspectors don't work in an office. They work in an actual area. The mechanical inspectors who attended the meeting, the meeting was held in an area where many of them work. The avionic inspection people work in an area that's immediately adjacent to the area to the main shop area where the meeting was held.

Q And could you tell me what the wall is between where the avionic inspectors work and this area where the speech was made?

A It is a glass wall. A see-through glass wall.

Q And these fellows could see right adjacent to them--

A Oh, yes.

Q This work area?

A They could see the chairs.

Q What was in the work area before the chairs were there?

A There were Drones in that particular area.

Q How many?

A I don't recall exactly.

Q Well, was it all covered with Drones?

A Oh, yes. Usually the entire workspace is taken up. The Drones are in various stages of assembly. The area where the meeting was held is the final assembly area.

Q And what happened to the Drones that were on the floor?

A They were, I presume, pushed aside. I know the area was cleared out.

Q Who did the moving, do you know?

A I don't know.

Q And then these 800 chairs were set up, is that right?

A That is correct.

Q And the only thing between the avionic inspectors and the place where the chairs were set up is a glass wall, is that correct?

the afternoon. Am I correct?

THE WITNESS: Yes, it was. It was late in the afternoon.

TRIAL EXAMINER: And you understood, too, that the one on June 12th was in the afternoon. Am I wrong on that?

THE WITENSS: I don't recall when the second one was because -- I remember vividly the first one because I know we had this mix-up at the end of the afternoon and I know the meeting was scheduled for the last hour,the last two hours.

Q AHout how many people attended the second speech -- did you attend it, first?

A Yes, I did.

Q About how many people attended it in your opinion?

A There were approximately 400 or so.

Q And let me ask you this. Do you know, going to another subject, do you know men named Beltran and Cook?

A Yes, I do.

Q Who are those men?

A They are leadmen who worked under Sullivan.

Q In what department do they work?

A They work in the avionic receiving inspection department.

Q Do you know what their duties are?

A Yes, they are inspectors.

Q Do you know how much of their time that they spend inspecting?

A I would estimate that they spend 90 to 95 per cent of their time inspecting. That is their major function.

Q What are their other functions, if you know?

A Well, as a leadman, they are there to provide assistance if some of the other personnel require clarification of any technical nature as an aid to people if they are having trouble in understanding a particular problem, they are there to help them.

Q Do they have the right to hire?

A No.

Q Transfer?

A No.

Q Suspend?

A No.

Q Lay off?

A No.

Q Discharge?

A No.

Q Recall?

A No.

Q Promote?

A No.

Q Discipline?

A No.

Q Direct the work?

MR. RUBENSTEIN: Mr. Examiner, I would like now to oppose and move to strike all the questions because they are leading and legal definitions of the duties --

TRIAL EXAMINER: He is going through the definitions of a supervisor as contained in the Act.

Overruled.

That's all.

Q Do they direct the work?

A They direct to the extent that I explained before. They assist the other inspectors who are there.

Q Do you know whether they are hourly employees?

A Yes, they are hourly employees.

Q Do they adjust grievances?

A No, they don't.

Q Do they interview for hire?

A No, they don't.

Q Do you know where their lockers and wash-up facilities are?

A Yes, I do.

Q Aie they the same as the other inspectors?

A Yes, they are.

Q Is their clothes the same?

A Yes, they are.

MR. LYONS: That's all, Mr. Trial Examiner.

MR. RUBENSTEIN: Mr. Trial Examiner, I would like now to renew my motion to strike the testimony with reference to the legal conclusion of what leadmen are doing.

I think they are legal conclusions, as you pointed out in denying my previous motion.

I think that it is very improper evidence to be given on examination.

TRIAL EXAMINER: Your motion is denied.

MR. RUBENSTEIN: Thank you.

MR. LYONS: May I be excused,your Honor? Mr.Curley will take over.

TRIAL EXAMINER: Yes, sir.

CROSS-EXAMINATION

Q (By Mr. Leiner) Mr. Hollwedel, youstated that leadmen Beltran and Cook were hourly employees. Is that true?

A Yes.

Q Do you know how much they made per hour at the time of their -- of the discharges here, which would be June, 1964?

A I know approximately what they made.

Q Didn't they make about $4 an hour or over?

A No. From what I recall in 1964, they were making, I would say, in the neighborhood of $3.75, $3.80, somewhere

spent 95 per cent of their time doing the same type of work that the other avionics inspection personnel did?

A That's correct.

Q Now, was it your testimony that in the fall of 1963, there was not enough work to go around for all the avionic inspection employees?

A That is correct.

Q And that literally they had to fight over who is going to do the work?

A That is correct.

Q Now, would you tell the Trial Examiner, Mr.Hollwedel, how much notice of lay off you gave to the mechanical inspectors in the -- and the avionic inspectors who were laid off in June 1964?

Just answer the question.

A Within, from what I recall, within the same day that they were given notice.

Q You didn't give them three or more days' notice, did you?

A No, I did not.

Q Do you know if anybody else did?

A I don't know what other groups did.

Q Who made the determination to lay them off?

A I did.

Q How much actual notice did you give them? You

be laid off?

A I wouldn't know that. Again, it would depend on what the overall workload was at that particular time. If there was a change in any particular workloading, we might have used those personnel in other areas.

Q When did you know that Billone and Lodato were going to be laid off?

A I would say that it was approximately three weeks prior to the time that they were laid off that I was sure that those people would be laid off.

Q Was it because you could have no other jobs for them in the plant that you knew that they were going to be laid off?

A Tbat is correct.

Q And in fact, there were no other jobs that either Billone or Lodato could be put in in the plant?

A That is correct.

Q How much training did you give Mastrangello for the job of packaging inspector that he was going to assume?

A We gave him approximately two days of additional briefing.

Q I mean before he was notified that he was going to become a packag inspector.

A We didn't give him any training prior to this time.

Q How much training did you give Mullins as a package inspector prior to the time that he became a package inspector?

A We -- well, his prime responsibility is --

Q I am just asking you how much training you gave him.

A Prior to the time that Lodato and Billone were laid off, we gave him no training.

Q How much notice did you give Mastrangello that he was going to assume package inspection functions?

A He was notified on Monday morning that he would be assuming this particular responsibility.

Q That's June 22, is that true?

A That is correct.

Q In other words, the Monday after the June 19th lay offs?

A That is correct.

Q And how about Mullins, when was he notified?

A Approximately the same time.

Q I show you General Counsel's 18 in evidence and I ask you, do you know who H. E. Coy is?

A Yes, I do.

Q Do you see there where it says that Mr. Coy said that since the major workload in packaging and preservation was transferred to an experienced subcontractor, a part time inspector was considered to be adequate?

Q I tell you, Mr. Hollwedel, that Lou Pardo had the least service in the company, he had the least service in the department, and I ask you - did you consider him inferior or superior as an employee to Robert Martinez?

A I considered him superior to Martinez.

Q And that's why you kept him on? And that was the only reason you kept him on?

A Certainly. It was one of the factors that we had considered, the adapability and the workability of the people within the group.

Q Isn't it a fact that Martinez--

TRIAL EXAMINER: The testimony all through this record, from every witness that's been presented on behalf of the respondent, is to the effect that seniority was considered, ability was considered and other factors were taken into consideration. That's all in the record.

Now it's a matter of judging the weight of the evidence and the credibility of the witnesses in that respect. It is not a matter of argument as to whether the judgment of Mr. Caliendo and Mr. Hollwedel or Mr. Ackles was right or wrong. Those factors were applied, they say.

Now, you can prove, if you can, that those factors weren't applied but you are not going to argue whether or not their judgment was correct under the guise of

employ of the company on and after June 1964 who were hired at or after the time when Velasquez was hired?

A When was Velasquez hired?

Q Your records would show that. I don't know.

A Then I can't answer it.

Q I just wanted to know if you knew.

Now, you mentioned, I believe in your direct examination, that Frank LoGanza and Buddy Hauck were the assistants to Groff Ward.

A That is correct.

Q Would you tell me what Buddy Hauck did?

A His prime responsibility was for the receiving inspection area of mechanical inspection. He also acted in the capacity of chief inspector when Mr. Ward was not in the plant.

Q In other words, he performed Mr. Ward's functions when Mr. Ward was absent from the plant?

A That is correct.

Q And the same thing is true of Mr. LoGanza?

A No, Mr. LoGanza reported to Mr. Ward, but he had the responsibility for the machine shop and the blade shop operation.

Q In other words, he was the supervisor of inspectors in the machine shop and the blade shop?

A That is correct.

Q Did Mr. LoGanza and Mr. Hauck have the ability to recommend disciplinary action to Mr. Ward?

A Yes, they did.

Q I mean effectively recommend.

A Yes, they did.

Q Did they have the power to recommend raises?

A They had the power to recommend it, but I passed on them finally.

Q Did you disregard their recommendations?

A I would occasionally change a recommendation.

Q You mentioned Messrs. Beltran and Cook. Did they maintain records with regard to the qualifications or quality of work performed of the electronics inspectors?

A They did not maintain any records that I know of regarding the quality of work performed.

Q Now, there was testimony, I believe -- not from you, sir -- that Mr. Roland Bacchus recommended raises, effectively recommended raises and assigned work using his own judgment and discretion in assigning work in the mechanical inspection department.

Do you know if that's true?

MR. CURLEY: I object to that, Mr. Trial Examiner. There is no testimony in the record that Mr. Bacchus effectively recommended raises.

TRIAL EXAMINER: I can't say at the moment whether

it is or is not without pouring through my notes. Do you know whether he could effectively recommend hiring and firing?.

A He did not recommend hiring and firing.

TRIAL EXAMINER: What did you ask?

MR. LEINER: I asked whether he could effectively recommend raises.

THE WITNESS: He may have effectively -- excuse me -- he may have been in a position of recommending an increase, but as to whether this is an effective recommendation or not -- because it has to be passed -- if he made a particular recommendation that someone be given an increase, it would have to in turn be passed on through Buddy Hauck, through Groff Ward, and I, who would make the determination as to whether an increase would or would not be granted.

Q Would you pay attention to what the lead man recommended with regard to pay increases?

A Frankly, very little when it's done. They don't have--

Q They don't have the big picture in mind?

A Yes.

Q I think you testified that the employee Petito was fired because he didn't do his jobs very well.

Was that your testimony?

A That is correct.

Q What jobs didn't he do very well?

A He didn't do the last job that he was in which he floated between the casting and forging areas in inspection, and also instrument calibration.

He also did some paper work.

He also worked for Mr. Coy at one particular time as a quality analyst. We replaced him. We replaced Petito when he wanted to try something else.

When he returned, Mr. Coy's recommendation was that we do not take him back into the group. It was an accumulation of many jobs that he had attempted that were unsatisfactory.

Q And his supervisors always reported him as not being a good employee?

A I know he was spoken to. I was aware of the situation.

Q When was he spoken to that you know?

A Over the various periods of time I know Coy spoke to him, I know Groff Ward spoke to him, concerning his work habits.

Q And he was, I think you are testifying that he was a chronically poor employee?

A Yes, that would be my judgment.

Q The company gives raises periodically to its chronically poor employes, is that true?

A He had subsequently made certain transfers. He tried

A Yes, I was under the impression that he had not completed his speech.

Q (By Mr. Rubenstein) And you told him, you advised him to have another meeting the next day to continue it, is that right?

A Not particularly the next day. I said that "you could continue the meeting; that there was a misunderstanding concerning the lapse of the preceding one."

MR. RUBENSTEIN: That is all, sir.

MR. LEINER: Mr. Examiner, may I ask two short questions, please?

TRIAL EXAMINER: Yes.

Q (By Mr. Leiner) The first is, Mr. Hollwedel, prior to June 29, 1964, did you discuss the progress of union organization among the employes of the Gyrodyne Company with any of your supervisors or lead men?

A No, I did not discuss the progress of any union.

Q Did you discuss the membership of any of the employes in the union with any of your supervisors?

A No, I did not.

Q Prior to June 1964?

A I did not.

Q Two: Mr. Hollwedel, do you know whether in fact there were substantial increases in pay granted to the entire membership of the avionics inspection department

between June 29th and July 1st, 1964?

A There were increases granted to avionic inspection personnel that occurred after the 29th.

What the date was -- I know it was in the vicinity of the first week or second week in July.

Q Did you authorize those raises?

A Yes, I authorized them. Initial all of the paper work concerning increases.

Q Do you know whether every single avionics inspection department employee received a raise?

A From what I recall, everyone received an increase.

Q When was the last time that you gave -- that the department of avionics inspection was given an increase? Every employee?

A Every employee?

Q That's right.

A Frankly, I don't -- you mean on a periodic basis?

Q No. When was the last time that every single avionic inspector was given a substantial increase in pay at the same time?

MR. CURLEY: Mr. Trial Examiner, again we are running into difficulty, at least in my mind with this word "substantial." I think it should be clarified.

MR. LEINER: All right, I will eliminate the word "substantial."

TRIAL EXAMINER: If you mean a general increase--

MR. LEINER: No, it wasn't a general increase because people got different amounts.

Q (By Mr. Leiner) Isn't it a fact that every single avionics inspector between June 29th and July 1, 1964, received an increase in pay?

A There was an increase to all of the avionic inspectors, yes.

Q What I am asking you now, Mr. Hollwedel, is when was the last time that such an event occurred before this?

A I don't recall if anywhere everyone received something at any particular time.

Q I am not clear as to one of your last answers, Mr. Hollwedel.

Did you authorize that pay increase in June, 1964, that we just spoke about, or were you directed to give the employes in the avionics inspection department those increases?

A I wasn't directed to.

Q In other words, you thought it up by yourself that it would be a good idea to do so?

A No. Mr. Papadakos, in discussing and reviewing the entire situation with him, asked whether I thought that an increase would be warranted to the people that were still in avionic inspection.

Q I see. Mr. Papadakos brought it up to you?

A He brought it up.

Q And you agreed with him that an increase would be wise?

A That's right.

MR. LEINER: Thank you. No further questions.

MR. CURLEY: I have no questions, Mr. Trial Examiner.

TRIAL EXAMINER: Thank you. You are excused.

(Witness excused)

TRIAL EXAMINER: Do you have another witness available, Mr. Curley?

MR. CURLEY: Yes, sir. May we take five minutes?

TRIAL EXAMINER: Yes.

(Short recess)

TRIAL EXAMINER: On the record.

PETER J. PAPADAKOS

previously sworn, resumed the stand.

MR. LYONS: I don't think it will be necessary, but may I ask the Trial Examiner if he would tell Mr. Papadakos if he feels the need of a recess, that he could ask you for it. I don't think it will be at all necessary.

TRIAL EXAMINER: Yes. If you feel that you are unable to continue at any time, Mr. Papadakos, will you let me know?

THE WITNESS: Thank you.

MR. LEINER: Mr. Examiner, I had no idea that Mr.

AFTERNOON SESSION (1.30 p.m.)

TRIAL EXAMINER: On the record, Mr. Reporter.

Mr. Leiner, you were inquiring of Mr. Papadakos.

MR. LEINER: Yes, sir.

TRIAL EXAMINER: Are you prepared to continue?

MR. LEINER: Yes, sir.

PETER J. PAPADAKOS

resumed the stand.

CROSS EXAMINATION (cont'd)

Q (By Mr. Leiner) Mr. Papadakos, I remember when I had known a young fellow who is the nephew of Bishop Epthimiou. I could not pronounce the name and therefore I want to take special care to pronounce your name, Mr. Papadakos.

A Thank you.

Q Mr. Papadakos, in either of the speeches of June 11th or 12th did you mention how many millions of dollars in backlog the company had with respect to orders of Drones and spare parts from the Navy?

A Yes, sir.

Q Do you remember what you said?

A I said something like I believe at the time we had about 40 million dollar business and which indicated that we had work up to December 31, 1965.

Q Thank you very much.

Now --

A Remembering, that is, as far as production is concerned. There is also engineering work, paper work after you finish the deliveries of the equipment, you have -- after you finish the -- with the delivery of the equipment, you do have about six more months to complete the paper work. This is a total business.

Q Mr. Papadakos, do you know whether or not the Navy commencing in December 1962, and going through early 1963, told Gyrodyne Company that the Navy considered the use of mechanical inspectors by the company to be overmanned? In other words, that the company was using too many mechanical inspectors?

MR. LYONS: I object to any conversation in 1962.

MR. LEINER: We are lining it up, Mr. Examiner. This is a continuing problem.

TRIAL EXAMINER: Do you remember that?

THE WITNESS: Well, sir, you have two factions in the Navy. The one faction that wants to negotiate, and when you negotiate he says you got too much, too much, too much. And then you have the other faction that is concerned for deliveries, and they say "you got a small organization, too little, too little," and you do have to educate both to the best of your knowledge.

Q In which faction, Mr. Papadakos, is Mr. Thompson?

had been let go. He told us that.

Now, what I think Mr. Leiner wants to know is whether or not before those negotiations took place that I am talking about, what was said there -- before September to October 1964, at any time prior thereto you were told by Mr. Thompson or any other representative of the Bureau of Naval Weapons that you had too many inspectors.

Is that what you want to know?

MR. LEINER: Yes, sir. And particularly as a result of that it was negotiated by a contract diminution in 1963.

TRIAL EXAMINER: Can't we take one thing at a time?

THE WITNESS: Unless this thing is pinned down to say at what negotiation and--somebody said you have too many inspectors and the question is to be clarified as to whether they said we had too many inspectors, or we did forecast too many inspectors, because here we are in a situation one year you are supposed to deliver 31 vehicles, the next year 100, which is three times more, and the following year 186, which doubled the previous year. And we have quite a high acceleration, so it has to be pinned down who said what when.

TRIAL EXAMINER: The question is now whether Mr. Thompson or any other representative of the Bureau of Naval Weapons before June of 1964 had told you that you had too many inspectors.

THE WITNESS: I would say, sir, Commander Scheporle, who was the resident in charge, his primary -- contract administration, but primarily inspection. That's one of the major functions of the Navy.

And then they were there, Mr. Adams who was next in command, who was the head of inspection, and subsequent to Mr. Adams Jerry took over, whatever his name is.

TRIAL EXAMINER: Was Mr. Pieplow--

THE WITNESS: No, Pieplow worked for us.

At no time Mr. Adams or at no time did the resident inspector in charge in Gyrodyne came to tell me that we had too many inspectors.

As a matter of fact, without coming to me I know when we eliminated inspectors there were -- they were quite alarmed as to whether or not we would have enough inspection. They did not tell me directly, but I heard it indirectly, so this is quite opposite of the question that I am being asked.

MR. RUBENSTEIN: Mr. Examiner--

MR. LEINER: The answer was not forthcoming, Mr. Examiner. I ask the Examiner to stop the witness. This has been going on and on and on.

MR. RUBENSTEIN: May I make a motion at this time, Mr. Examiner. I move that--

TRIAL EXAMINER: You are out of order, Mr. Rubenstein.

Q I believe you testified Mrs. Papadakos and Mr. Johnson had either purposely or otherwise misconstrued your conversations with them in April and May and June of 1964 -- '65, several weeks ago; isn't that true? That they misconstrued it either purposely or -

A That's right. I know what I told them and I indicated the thing was turned around.

Q And do you know Commander Mellin of the Navy?

A Yes, sir.

Q Do you know Lieutenant Commander Hall of the United States Navy?

A Yes, sir.

Q Do you know Lieutenant Commander Scheperle of the United States Navy?

A Yes, sir.

Q Do you believe that any of those gentlemen hold any malice against you or the Gyrodyne Company?

A To the best of my knowledge, no.

MR. LYONS: I object to this question.

MR. LEINER: I would like to know what he believes. Thank you.

Q Do you - you believed Commander Scheperle to be an efficient and able naval officer, as far as you knew?

A I didn't get the question.

Q Did you know, did you believe that Commander

17 Scheperle was an efficient and able naval officer to the best of your knowledge?

A Yes, sir. He did a lot for the program.

Q Now, in -- did you ever have an agreement with him not to discuss any union problems in front of him?

A If I have an agreement?

Q Any sort of an agreement or understanding with Mr. Scheperle -- with Commander Scheperle, not to discuss your union problems in front of him?

A At the time that I had -- I don't remember now when it goes back. I guess it may have been, sir, back in '62 or somewhere. I was going to announce the pension plan. That was an item -

MR. LEINER: Mr. Examiner, I am interrupting the witness. I ask you to direct the witness to just answer the question.

THE WITNESS: I cannot answer the question,sir, directly, because -- maybe I can.

TRIAL EXAMINER: Lieutenant Commander Scheperle testified when he was here on the stand that one of the first things he told you, when he reported in as resident in charge was, he wanted no part of your labor problems.

THE WITNESS: Right.

TRIAL EXAMINER: Is that the agreement you referred

18 to?

MR. LEINER: Yes, sir.

THE WITNESS: It is not an agreement. It is a directive that Commander Scheper-e received from Captain Gates when he came aboard. Captain Gates had made the ruling, period.

Q So what you are telling the Trial Examiner now is that as far as you know, Captain Gates directed Commander Scheperle not to engage in any discussions with you of union activities?

A That is correct.

Q That's the agreement that Commander Scheperle entered into with you? That was the understanding that you had?

A That's right.

Q Now, in June of 1964, did you have a program review session with regard to the Dash program at which Commander Mellin, Commander Hall, Lieutenant Commander Olmstead and other naval officers and civilians attended?

A Yes, I believe we had a program review in June of '64.

Q Did those naval officers attend?

A I said Mellin, Hall, Olmstead --

Q And Scheperle?

A Yes.

19

Q By the way, who is Mr. Knecht?

A Mr.Knecht is a vice-president of the Gyrodyne Company.

Q Was he a vice-president of the Gyrodyne Company in June of 1964?

A Yes, sir.

Q Was he a vice-president in1963?

A Yes, sir.

Q Thank you.

Now, do you recall having told --

A Having what?

Q Having told the naval officers whom I have just mentioned, in or about June of 1964, when you had the Dash review session, that unions were attempting to get established in the Gyrodyne Company?

A If I have told them?

Q That's right.

A Sir, if they have asked me -- a lot of people ask, are you union or non-union? You say non-union. Is any attempts being made? Yes. If a question like that had been asked, that's my standard answer, whoever asks me the question.

Q Did you tell Commander Scheperle and Commander Hall and Commander Mellin that if the uniongot into Gyrodyne, it would reflect on the scheduling and cost

of the Drones and other products manufactured by the company?

A No, sir.

Q Thank you.

A Excuse me. If the question has been addressed to me by the officers, which it has --

TRIAL EXAMINER: Just a moment.

Have you finished with that line of questioning?

MR. LEINER: No, sir.

TRIAL EXAMINER: You have the testimony of Lieutenant Commander Scheperle in the record, don't you?

MR. LEINER: I do. I am reading from it.

That's General Counsel's 30 in evidence.

TRIAL EXAMINER: You got an answer to your question, didn't you?

MR. LEINER: No, I didn't. Only to one part of it. I am establishing -- I am trying to undermine Mr. Papadakos' credibility as well as to establish Mr. Scheperle's credibility.

Are you forbidding me to do that?

TRIAL EXAMINER: You are going to the credibility of Scheperle, are you?

MR. LEINER: Oh, yes. I am going to ask you to decide who is telling the truth, Scheperle or Mr. Papadakos. That's exactly what I am going to ask you.

time.

MR. RUBENSTEIN: I except to your ruling -- I except from your order not to move.

Q Did you tell the naval officers I have just mentioned and Commander Scheperle in particular that if the unions become established at Gyrodyne, there would be delays in production and deliveries?

A I believe people have asked me questions, including officers, that if there is a union, if a union comes in, will it affect production.

And my answer will be, I don't know. Maybe it will. I avoid to discuss subjects. I have been hit always with questions andI am trying to give the answer that I best know. It is an unknown answer.

Q Did you tell Commander Scheperle in the presence of Mr. Knecht, Commander Mellin, Commander Olmstead, that you suspected unions of infiltrating the company and placing representatives in the company and that these persons, you believed to be on the payroll of both the union and the company?

MR. LYONS: Your Honor, I object to this. This was not the testimony of Commander Scheperle. This paper was introduced into evidence out of which things are being taken out of context.

TRIAL EXAMINER: What are you reading from? You are not reading from the transcript?

He said, "I have read the statement." I asked him if he wanted to change a syllable in the statement. He said "No, it is all true." And he read it on the witness stand in front of you, Mr. Examiner.

TRIAL EXAMINER: Don't use it in connection with the cross-examination of this witness.

Do I make myself clear?

MR. LEINER: Yes, sir. I will abide by your order and I except to it.

Q Mr. Papadakos, did you or did you not tell Commander Scheperle that you suspected the union of having placed agents in your company who were on both the union payroll and the company payroll and did you not tell him that in the summer of 1964?

A How could I tell him that if I'm not supposed to discuss any union problems with him?

MR. RUBENSTEIN: I move to strike.

MR. LEINER: I oppose that. I want that answer on the record.

A I am a very cautious person. I do not-- this is some maze.

Sir, for the record, --

MR. LEINER: There is no question before the witness, Mr. Examiner.

THE WITNESS: May I make a statement?

TRIAL EXAMINER: No. Mr. Lyons can take care of that.

Q Did you ever tell Mr. Scheperle or any other naval officer that if the union came into Gyrodyne, you would no longer have the flexibility of assigning your personnel to do various jobs?

A Mr. Examiner, may I - my replies to a question of someone turns out as a statement by me and this gives me a great difficulty.

Did you say this? Did you say that? Without stating if somebody asked me --

TRIAL EXAMINER: Mr. Papadakos, counsel is here representing you. He knows very well how to clear this up.

Now, if you will just answer counsel for the General Counsel without engaging in any explanation, Mr. Lyons will have a chance to question you on the same thing and he will, if you desire, he will clear it up as he goes along.

A If anyone asks me as to whether flexibility may be lost in the company in case we have a union, my answer would have been to that question "yes" because it is a standard answer for any company.

Q What I asked you, Mr. Papadakos, is -

A I did not make a statement. I only answer questions

when people ask me. I avoid to make statements.

Q Therefore, what - I believe your testimony is then, Mr. Papadakos, that you never told these naval officers these things but if you did tell them, you told them only in answer to their questions to you?

A That's right.

MR. LEINER: Thank you.

Q Now, you testified, I believe, that Dorothy Mae Johnson Papadakos was taken to this hearing on the 27th in Gestapo style; was that your testimony?

A I would like to correct the record. I said in her words. It is my words, Gestapo style.

Q She didn't tell you that she was unwilling to testify, did she?

A When I read from the record, and I saw in her words, I would like to correct the record and say in my words Gestapo style.

Q Do you know who J. B. Strickle is?

A Yes, John Strickle. Is that John Strickle?

Q Who is he?

A Well, if the man I am envisioning is the man who was the -- works for the Bureau of Naval Weapons and was the production man.

Q And he was in the aviation supply office in the Bureau of Naval Weapons, was he?

A I wouldn't call it the aviation supply office. He is in the production.

Q He is in the production department of BuWeps in Washington?

A Yes, sir. And it was the production -- well, he is not an officer. He is a civilian but we will --I think his title will be Project Man for Dash.

Q That's for the Dash Weapons System, isn't it?

A That's right.

Q Do you recall whether in 1963, Mr. Knecht, the vice-president of the company and yourself visited him in Washington?

A My gosh, I have visited him many times.

Q You did?

A In Washington.

Q Doyou recall telling him in or about March '63 that the Gyrodyne Company -

TRIAL EXAMINER: Telling who?

Q Telling Mr. Strickle that you, in the presence of Mr.Knecht, or Mr. Knecht, in your presence, told Mr. Strickle that if the company didn't have a cafeteria, the chances were that the union would get it for them.

Q I do remember that I was there to make a presentation of facilities. What facilities we estimed will be required. And when you make a presentation of facilities

A No, sir. And the Navy has never provided any funds to the Gyrodyne Company to build anything.

Q Well, isn't it a fact that the Navy reimburses the company for the building of facilities which it permits?

A Only the use of it. You may call it the rental. We have certain use of the facilities as part of our expense. In this case, it is in the form of depreciation. The Navy has nothing to do with our facilities.

Q Are you building a cafeteria now?

A We have emptied a building and we are -- we have built the toilets. The toilets are finished and we are planning to proceed to build the cafeteria.

Q Now I will ask you again and I wonder if you could give me a precise answer, if you can.

Do you recall having told Mr. Strickle or that Mr.Knecht told Mr. Strickle, in your presence, that if you didn't -- if the Navy didn't support the company in getting a cafeteria, that the chances were that a union would get it for them?

A Nothing like that. That sounds like I used pressure to Mr. Strickle or something. As a matter of fact, I did not get any particular authorization. I do not recall what Mr.Knecht might have said to Mr. Strickle. And I made it crystal clear that it was an expression that I used. And the events are, I have not built a

cafeteria and you are referring from '63 and here we are in '65. And going back -- I mean to answer -- the words, it is plain with the words right there. And I want to emphasize that the conversation claimed to have taken place in '63 and now it is June '65, and the cafeteria has not been built as yet.

Q You testified, I believe, in your direct examination, that the swimming pool built on the Gyrodyne Company premises was a company pool rather than your personal pool, is that true?

A That is correct.

Q And is it also a fact that -- when was it first built?

A I believe in 1959.

Q So from 1959 until the present, is it a fact, Mr. Papadakos, that the production and maintenance employees of the company have used that pool on a regularly scheduled basis?

A That the production and maintenance have used that pool --- no.

Q They haven't?

A They have not.

Q As a matter of fact, did the mechanical and avionics inspectors use the pool on a regularly scheduled basis during that time?

A No.

May I amplify -

MR. LEINER: No, not to me you won't.

THE WITNESS: Mr. Examiner, I believe this point requires--

MR. LEINER: May I have a moment, please?

TRIAL EXAMINER: Take ten minutes.

(Short recess.)

TRIAL EXAMINER: On the record, please.

MR. LEINER: I have a few more questions.

Q (By Mr. Leiner) Mr. Papadakos, there are 30 employees, I should say ex-employees of the company named in the complaint issued against the Gyrodyne Company and I ask you which of them was ever invited to swim in the pool?

MR. LYONS: I object to this as irrelevant, immaterial and incompetent, improper cross-examination.

TRIAL EXAMINER: Sustained.

Q Mr. Papadakos, with regard to the policy that Mr. Scheperle had of not being present when you discussed unions, do you recall whether whenever you did discuss unions, he left your presence immediately?

A As a matter of policy, I don't discuss unions either.

Q I didn't ask you that.

A So I do not remember of any instances where there was a union discussion and Mr. Scheperle will walk away.

Q Thank you.

Now, there was some, shall I say misunderstanding with regard to where Mr. Scheperle said certain things and I ask you --

TRIAL EXAMINER: We have gone all over this.

MR. LEINER: I am reading from pages 1064 and 1065 of the record.

TRIAL EXAMINER: I have read the whole thing. There isn't a thing in there worth going into.

MR. LEINER: The only reason I raised it, I did not intend to go over it except if there was some question in your mind with regard to the fact of whether I was permitted to use Commander Scheperle's statement which is R-30 in evidence, as the basis for my cross-examination, or whether I should have used his testimony which starts around page one thousand and something and especially pages 1063 through 1065 of the record.

Now, I have compared them as you have and I see that most of, if not all of the misstatements which I read from R-30 in evidence, are also in evidence.

TRIAL EXAMINER: I think so.

MR. LEINER: I am glad we agree on that, Mr. Examiner.

Q Now, Mr. Papadakos, Mr. Gust Johnson lived with you for some time, is that right?

A The last visit, I guess, ran for three months.

Q And you were very friendly with him?

A I respect him as a father-in-law.

Q And he accompanied you from time to time to places to eat and so on?

A Yes. I invited my father-in-law to take him out.

Q Did you in all these meetings with him and during the time that he was there with you speak to him or mention the attempts of the union to organize your shop?

A Sir, I did not. When I leave my house and I take my family to go out for dinner, or any other visit, the last thing I want to do is discuss my business. I do go out to forget any problems that I may have with my office.

Q Your statement then is that you never discussed either with him or Mrs. Papadakos the union, is that right?

A The only time I did discuss, sometimes my family asks me what's new - at the beginning of this hearing, at the beginning when the hearings were to be assigned somewhere, I said that I'm going to have this particular case and I explained to them what the case was.

Q So that --

P R O C E E D I N G S

TRIAL EXAMINER: On the record.

MR. LYONS: Mr. Peter Ackles, will you take the witness stand over there, please?

PETER ACKLES

a witness called by and on behalf of the Respondent, being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Lyons) Mr. Ackles, who do you work for?

A Gyrodyne Company of America.

Q How long have you worked for them?

A Thirteen and a half years.

Q What is your title now?

A Director of fabrication.

Q What does "fabrication" mean?

A Fabrication means all components which are manufactured, assembled, is under my direction.

Q And by "components," what is a component in your company?

A Well, a component can vary from a machine part to an assembly -- to a purchased assembly.

Q What happens under your direction when you either machine a part in your shop or you purchase an assembly, what do you do with them?

A Well, these particular parts or components are drawn

out of the stockroom, brought up to the assembly area. They are assembled into major assemblies which then are put into the final aircraft on final assembly.

Q What happens after they are put into the final aircraft?

A After they are put into the final aircraft, the aircraft is assembled, checked out electronically.

Q Whatdoes "checked out" mean?

A Checked out is a functional check through the electrical system due to the fact we build Drones, we do not build manned versions of the aircraft, and this particular aircraft is sent out to the transmission break-in area which consists of a transmission run-in, brought back into the building--

Q Is that under your direction, too?

A Yes.

Q Where is this transmission break - whatever you call it?

A Transmission break-in area is about a quarter of a mile from the main plant, and we call itthe tethering rig area. We have a tethering rig there.

Q What's a tethering rig?

A The tethering rig is a rig which can pick up anything vertically and hold it at a given position.

Q And it picks up the Drone?

A Well, right now we are not using the tethering rig

for the Drone itself. We just use the site.

Q After you bring it back, is it still under your control?

A Yes, sir.

Q What department is it in then?

A Once it is returned back into the plant, it is put back into the functional area. The bird is refunctional outelectrically. The bird is checked, inspected and then it is scheduled to go up to the flight line.

Q When is it out of your jurisdiction, sir?

A When it's out of my jurisdiction is when the bird leaves the plant.

Q So you have control of the fabrication or manufacture of it from the time that the parts come in or you make parts until the bird leaves the plant, is that right?

A Yes, sir.

Q What was your job in June of 1963?

A In June of 1963 I was director of fabrication.

Q The same thing you do now?

A Yes, sir.

Q Let me ask you this: You are familiar with Anthony Caliendo and John Hollwedel?

A Yes, sir.

Q They have testified here concerning their operations in inspection and in planning.

Do they work closely with you, sir?

A Yes, sir. We work as a joint team in order to produce our product. Mr. Caliendo sets up all the planning schedules, the work order schedules.

Mr. Hollwedel, he handles all the incoming receiving, inspection and final inspection of the product.

Q How many employes did you have under your jurisdiction in June of 1964?

A In June of 1964, approximately 158, in that vicinity.

Q How were they broken down, sir, as far as the different departments under you?

A Well, the various departments consist of the machine shop, the blade shop, transmission assembly, rotating control assembly and fuselage. Final assembly. Electronics manufacture and maintenance of electrical components.

Q How many employes do you have now under your jurisdiction?

A 131.

Q Who has charge of the maintenance department?

A Mr. Toye is the director of maintenance. This is building maintenance and facilities. This is not aircraft maintenance.

Q Do you have anything to do with the maintenance department?

A Yes. On and off I am connected very close with them in laying out schedules, erection; alteration of buildings.

Q That's what I want to get at. Describe what the maintenance at Gyrodyne is.

A Maintenance at Gyrodyne is broken up into several areas and each and every area consists of a portion of maintenance. Now--

Q Let me break in a minute.

You have something called Allied Maintenance there, is that right?

A That is correct.

Q What do they do?

A Allied Maintenance is a subcontractor to Gyrodyne and they maintain the building; sweeping, the cleaning of the building. Allied Maintenance also takes care of the grounds, cutting the lawns, watering of shrubs, et cetera, out in the fields.

Q What does your maintenance fellows do?

A Gyrodyne personnel mainly takes care of plumbing, electrical, carpentry around the building areas.

Q What about new construction?

A New construction is given out to various contractors.

Q Who is in charge for Gyrodyne of coordination of the new construction?

A I myself am involved with Mr. Toye in the coordinating of all of this construction work, along with Mr. Papadakos at various major meetings or major decisions.

MR. LEINER: Mr. Examiner, may I object to this line of questioning because it does not relate to the discharge of the employes alleged in the complaint. There is no question that Mr. Ackles is a supervisor and that he has various employes underneath him.

TRIAL EXAMINER: I think probably we are working into that, Mr. Leiner.

MR. LYONS: If there is a withdrawal of the charge concerning Pacilio, I will certainly discontinue.

MR. LEINER: I am talking about the whole line.

TRIAL EXAMINER: I think it is all right to find out what happened afterwards in these various departments of the company under Mr. Ackles' supervision.

Q (By Mr. Lyons) How many men did you have in maintenance in 1964, in June?

A There was approximately 19 people.

Q How many do you have in June of 1965?

A 16.

Q In connection with the work done by the 158 people--

TRIAL EXAMINER: Let me get straight, Mr. Lyons, please. In June of 1964 there were how many maintenance?

THE WITNESS: 19.

TRIAL EXAMINER: And there are now how many?

THE WITNESS: 16.

Q (By Mr. Lyons) In connection with the amount of work

turned out by the 150 men in June of 1964, will you give me a comparison with the amount of work turned out by the 149 men in June of 1965?

A I would say we're turning out approximately 30 percent more work today than we were in '64.

Q And in connection with the number of men that I mentioned, is that also true as to the man hours of these men?

MR. LEINER: Mr. Examiner, Mr. Lyons is leading the witness. This is the chief of fabrication. I am sure he is able to testify for himself.

TRIAL EXAMINER: Yes. Go ahead, Mr. Lyons.

Q (By Mr. Lyons) Will you tell us about the man hours of June, 1964, in turning out this 30 percent work as contrasted with the man hours used in June of 1965?

A Well, naturally the man hours were higher in '64. We had to reduce our man hours and the reasons for reducing our man hours, we were notified from the U.S. Government to look into the situation, such as going to better tooling, et cetera, and also we had a case here where we had a learning period to train people in order to give us the quality of work that we were looking for. So naturally you would have to overhire in some cases in order to train these people and cull them out and come up with what you would call your most experienced A and E mechanics, assemblers, which then, of course, reduces

the reworks of the components.

Q In connection with your work in the machine shop, who was the supervisor under you?

A George Mancini.

Q And if George Mancini was not present, who was the supervisor?

A I was the supervisor.

Q What do you mean by that?

A Any time any of my foremen or supervisors were out, I automatically stepped in and I had worked with the next man in charge, which would be either the foreman or the assistant foreman or senior lead man, whoever was next in that department.

Q But you were the supervisor if Mancini was out, is that correct, sir?

A That is correct.

Q Did there come a time in early spring of 1963 when you were in conferences with Mr. Caliendo and Mr. Hollwedel regarding cost reduction program?

A Yes.

Q And at that time or around then did Mr. Caliendo, as the director of production planning, talk to you concerning forecasts of work coming into the shop and the man hours allocated to it?

MR. LEINER: Objection, Mr. Examiner.

TRIAL EXAMINER: I take it the grounds of the objection are the same, that the question is leading.

Let's try, Mr. Lyons, not to give cause for these objections.

MR. LYONS: I'm sorry, sir. I will withdraw the question.

Q (By Mr. Lyons) Regarding the manpower as it existed in the machine shop in the spring of 1964, did it come to your knowledge, or did it not come to your knowledge, that there were excess manpower in the machine shop?

MR. RUBENSTEIN: Objection. Same objection.

TRIAL EXAMINER: Oh, it's sort of time saving, I think. I will permit the answer.

A Yes, it was brought to my knowledge through my supervisor, Mr. Mancini.

Q (By Mr. Lyons) Did you discuss it with Mr. Mancini?

A Yes, sir.

Q And would you tell us what the discussions were?

TRIAL EXAMINER: What's this date again?

THE WITNESS: This was in early spring, sir, of '64.

TRIAL EXAMINER: Thank you.

Q (By Mr. Lyons) Would you tell us what the discussions were with Mr. Mancini -- is that Mr. George Mancini?

A Yes.

Q How many conversations did you have with him concerning this excess manpower?

A Well, this excess manpower we had various conversations from time to time. We had what you would call hired a few extra people to put into the shop to screen out and try to get what we call the production type of person onto the machine as we were facing out from the R&D portion of the contract.

Q What does R&D mean?

A Research and development, which was in the contract where 31 birds were built under an R&D contract, and we moved on into 100-ship contract.

Q Was this R&D work, was that more or less individual ships that were built, not a production line?

MR. LEINER: Objection, Mr. Examiner. He is feeding the witness the answer.

TRIAL EXAMINER: Now, if I understand you correctly, Mr. Ackles, it was in 1963 that conferences were had between you and Mr. Caliendo and perhaps Mr. Hollwedel regarding the cost reduction program.

THE WITNESS: Yes.

TRIAL EXAMINER: You began to go into how you could reduce costs in connection with production of the product?

THE WITNESS: That's correct, sir.

TRIAL EXAMINER: Now, if I understand you correctly,

MR. LEINER: I agree with you. Let Mr. Ackles testify and give you the facts.

TRIAL EXAMINER: Proceed.

Q (By Mr. Lyons) Did there come a time in June 1964 in which there was a reduction in personnel in the machine shop?

A Yes, sir.

Q And are you acquainted with a man named Kargauer or were you in June 1964?

A I do know the man by sight and I had very little conversation with the man.

Q How about a man named Wolf?

A Yes. I have seen that man by sight.

As I say, the same as Mr. Kargauer. I had very little conversation with him. Good-morning, good-night; something like that.

Q Did you know a mechanical inspector named Marsan?

A Yes.

Q And was he a mechanical inspector that worked inspecting things in the machine shop?

A That is correct.

Q Would you tell us about Mr.Kargauer and Mr. Wolf, who are dischargees here in this proceeding? Would you tell us about the lay-off of Mr. Kargauer and Mr. Wolf?

A Yes, sir. My machine shop supervisor, George Mancini,

had screened through his personnel. He was told we have to reduce a few people in the machine shop because the man hours were not available to maintain the staff.

George Mancini come to me with a recommendation that these people be let go.

I make the final decision on the lay-offs. Mr. Mancini only recommends.

Q Was it your decision, sir to terminate Kargauer and Wolf?

A Yes.

Q What considerations did you give to the lay-off of these two men as against other men?

A Well, with the various conversations I had with Mr. Mancini about these particular people and about the other people in the shop, he had felt that the people that he had not brought forward to discuss on the lay-off were better qualified for his operation. We are not saying that these particular people are not mechanics, but for the work that we wanted out of the people it was more to the production side than to the experimental or the R&D side.

Q Did you take into consideration the length of time of the different people working for Gyrodyne?

MR. LEINER: Objection, Mr. Examiner.

TRIAL EXAMINER: Let's put it this way, Mr. Ackles:

Give us each one of the considerations resulting in the selection of particular men for lay-off. Whether there is more than one or just how you weighed the various factors in making your decision.

Is that what you wanted?

MR. LYONS: Yes, and I think I may be able to get it in a little better perspective if I withdraw that question and ask this question:

Q (By Mr. Lyons) At this time in the machine shop in June 1964 how many men were laid off?

MR. LEINER: Objection. The record speaks for itself, Mr. Examiner.

TRIAL EXAMINER: I don't know. I would like to know that.

MR. LEINER: General Counsel's 11 in evidence.

TRIAL EXAMINER: All right. If it's in evidence, it's there.

What was the question?

(Question read)

MR. RUBENSTEIN: May I only ask this, that two days in June there were lay-offs. Does he refer to both days?

TRIAL EXAMINER: I don't know. At this time in June. Let's find out.

Q (By Mr. Lyons) In June 1964 was anybody laid off that you know of besides Kargauer and Wolf from the machine shop?

A Yes, sir.

Q Was anybody else besides Kargauer and Wolf transferred out of the machine shop?

A Yes, sir.

Q Would you tell us the considerations, sir, that were given to the lay-offs of the -- of all of the people in the machine shop in June of 1964, and the consideration given for the transfers of a certain number out of the machine shop?

A Well, in June of '64 we had a number of people in there on probationary periods. These people here were automatically put on the first lay-off of the machine shop.

Q How many were they?

A There was I'd say approximately eight or nine; I don't know the figures exact.

Q But the probationary period ones went first, is that what you just testified to?

A This is correct.

Q Then what happened to the other people in the machine shop that were either laid off or transferred?

A There was three men transferred down to the blade shop.

Q Why were they transferred to the blade shop?

A Why? Because the work which was left in the machine shop was not enough to carry the staff through, and

these particular men here had other qualifications to help out in the machine shop -- excuse me -- in the blade shop in order to produce a better product.

Q And what factors did you take into consideration in judging the lay-offs outside of the fact that you put three men -- you were able to transfer three men into the blade shop because they could do a better job?

MR. LEINER: Objection. That is not the testimony, Mr. Examiner, and he is leading the witness.

TRIAL EXAMINER: There is no testimony here yet , Mr. Leiner, please.

MR. LEINER: May I ask that the question be read back, sir?

TRIAL EXAMINER: If you want to waste time, yes. Every time we start making some progress we are always met with objections. There are times when leading questions are perfectly proper. I am not suggesting in the sense that they furnish testimony.

MR. LEINER: Mr. Examiner, may I respectfully suggest that you read Mr. Ackles' answer, the penultimate question, and then read Mr. Lyons' question?

TRIAL EXAMINER: I am sitting right here listening. I don't have to do that, Mr. Leiner.

MR. LEINER: May I have the last question read back, please, sir?

train a person into a new area as long as they have the knowledge of equipment.

Now, this particular operation here, there was a milling machine thatwas involved. We had our senior lead man which used to spend approximately anywheres four to five hours a day on this particular milling machine which meant that his other duties to help out the foreman in the shop was being neglected, so this is where I made the decision to move another man down in there to take his particular spot over, that he would have more time to take care of supervision -- not supervision -- take care of his areas and be closer to his people that he was working with.

Q All right. I am talking about the lay-offs in the machine shop. If these three men were transferred and after the probationary people were let go, how many men were laid off in the machine shop in June of 1964, if you know?

A To the best of my knowledge, only about two.

Q And was that Kargauer and Wolf?

A Yes.

Q There may have been one or two others, you are not sure of them at this time?

A I'm not sure.

Q Do you know how long Kargauer and Wolf worked at

Gyrodyne in comparison with the length of time of the employes who were transferred?

A Yes. I would say they were approximately there maybe six to eight months longer.

Q Who was there longer?

A Mr. Kargauer and Mr. Wolf.

Q The transferees in this case were people that had less seniority or less continuity of service at Gyrodyne, is that right?

MR. LEINER: Objection. The question has been answered by the witness, Mr. Examiner.

TRIAL EXAMINER: Overruled.

Please let's go ahead.

Q Now, in connection with the work of the machine shop since these terminations in June of 1964, have you found it necessary to go on overtime?

A No, sir.

Q Have you had any pressure drives of extra pressure being put on the men to get out more work or is it the same as it was before?

A No, sir. The same as it was before. In fact, we are getting out more work.

Q Have you had any replacements hired in the machine shop since Kargauer and Wolf were let out?

A No, sir.

Q Have you had any reductions in the machine shop since they have been let out?

A Yes, sir. We had several men resign.

Q How many would you say is several?

A Two, three.

Q And have you replaced those two or three that resigned?

A No, sir.

Q Now, would you tell us about the blade shop? You have told us that certain men were transferred in there, is that right?

A That is correct.

Q In connection with the blade shop, are you familiar with the tooling that was done during this period?

A Yes, sir. I was part of the committee which discussed the tooling and the committee consisted of Mr. Caliendo, Mr. Hollwedel, the tooling engineering department.

Q By the way, in connection with Mr. Kargauer and Mr. Wolf, did you ever have any conversation regarding whether these men were in a union or active in any union organization?

A No, sir.

Q Did you ever take this question up with Mr.Mancini at all?

A No, sir.

Q Would you tell us about the blade shop? Who was the supervisor there?

A Mr. Dennis.

Q You are sure he is a supervisor?

A He is a foreman.

Q As a foreman, he is a supervisor, is that right?

A That is correct.

Q Could you tell me what color badge he wears?

A To the best of my recollection, it is a green one.

Q Does he wear the same color badge now that he used

TRIAL EXAMINER: Well, I would like to know as nearly as possible just what the set-up is, the organizational set-up.

MR. LEINER: I agree. That's why I say the first two parts only. The leadmen are relevant.

Q Let me ask you this then. Would you please describe, if you know, the operations of the blade shop?

A Yes. The operations of the blade shop -- we have a cutting area. We have a lay-up area. We have an autoclave area where we do the cooking of the blade. We have a routing area. We have a bonding area where we bond the two halves together.

Q What is bonding and what is routing.

Mr. Ackles, we are laymen here. I wonder if you would kindly tell us how you build a blade and the different departments it goes through.

MR. LEINER: Mr. Examiner, I object unless this has relevance to why employees in the blade shop were discharged or laid off, I would say it would not be relevant as to how the blades were built. I don't think that's an issue here.

TRIAL EXAMINER: I don't know, there is a lot of disjointed testimony in here from Damato and others concerning the blade shop. I really would like to know how it operates.

13

but is this repetitive work?

THE WITNESS: Yes. As far as each section is concerned.

TRIAL EXAMINER: We have a man that testified here, a blade builder. Is there such a job classification as a blade builder?

THE WITNESS: No, sir.

Q All right, Mr. Ackles, did there come a time in connection with the manpower situation in the blade shop that you had conferences with Mr. Dennis?

A Yes, sir.

Q And was that about the same type conversations you had in regard to the machine shop with Mr. Mancini?

A That is correct.

Q And was this also matter that you discussed with Mr. Caliendo and Mr. Hollwedel?

MR. LEINER: May we have a date on this, Mr. Examiner?

A Yes, sir.

Q When were these conversations with the different people?

A Well, these conversations varied. They varied back as far as possibly May of '64 right on through until the time we reduced the forces.

Q This is with Mr. Mancini, is that right?

Q I did not understand whether you mean 158 outside of maintenance or whether it was 158 including maintenance.

A No, it was 158 production people. Maintenance was not in that count.

Q Then that would be 177 men totally under you, is that right, Mr. Ackles?

A That is correct.

Q A man named Galvani testified here that -- by the way, who was he?

A Well, Mr. Galvani, he was a driver. He worked in the motor pool, what we call trafffic. And when a decision come up to bring in various components FOB ST. James, which meant a decrease in the traffic department --

Q This was not your department, by the way, was it?

A No, sir. It was Mr. Caliendo's department.

So Mr. Caliendo and I, we had a discussion that if we could place any of these particular people out of that area, we would. I have heard and then I went and checked and I found that Mr. Galvani was connected with an oil burner service company so I decided, well, in maintenance, we can use an oil burner service man, so I requested that Mr. Caliendo send Mr. Galvani over to see me. So Mr. Galvani, I forget now exactly what day it was that he had come over to see me - we discussed the operation or the

job I should say of where I would like to place him and through our conversation, when I found he did not have the experience that I was looking for in the man.

Q What experience had he had in connection with the oil burner company?

A He was a fuel oil truck driver and not a service man.

Q Mr. Galvani testified that you tapped your pencil on the table and you said to him, "Now, about this union"--

MR. RUBENSTEIN: Objected to unless the line and page is cited.

TRIAL EXAMINER: You don't need the line and page. Let's get forward.

Q Page 1268, line number 18.

Mr. Galvani testified that you tapped your pencil on the desk and said to him, "Now, about this union."

MR. LEINER: Stared at him, I believe the line says, Mr. Lyons.

Q Would you tell us whether you ever said anything like that to this man Galvani who came over to you from the motor pool at Mr. Caliendo's request?

A No, sir.

Q Are you sure about that?

A Yes, sir.

Q Have you ever discussed membership in the union

with any employee of Gyrodyne?

A No, sir. It is a man's own prerogative. If he wants to belong to any organization, it is the same as a church. If a man wants to go to one church and another man another, I couldn't care less.

Q By the way, in connection with this construction wrok at Gyrodyne and with Allied Maintenance, do you work with union men, Mr. Ackles?

A Yes. I have been dealing with union men for the past 25 years. I have dealt with the top people right on down to the lowest class and I have never had any problems. In fact, just to give you a little instant, in 1960, during the truck strike, I sent a wire to Mr.Hoffa and got permission to roll asphalt right through the truck strike.

This is what I call good relations between a non-union company and a union organization.

So we deal with these people very day on our new buildings, maintenance,and there is no problems. In fact, I have the electrician delegate coming out to see me tomorrow at the plant.

Q Mr. Ackles, there is also testimony here concerning your --about you asking somebody to get leaflets.

MR. LEINER: Objection unless the line and the page is stated.

TRIAL EXAMINER: Finish the question.

MR. LEINER: It is the same objection Mr. Lyons made yesterday or the day before.

TRIAL EXAMINER: Let him finish the question, will you please?

How in the world can I rule unless I know the question.

Q There has been some testimony here by someone that a Mr. Manico had a conversation with this dischargee and it is alleged that Mr. Manico said that you had asked him to get some union leaflets or throwaways so you could give them to the old man.

Let me ask you first, sir, did you ever ask Mr. Manico to get you any leaflets?

A No, sir.

Q Let me ask you the second question.

Did you ever see leaflets around the plant?

A Yes, sir. Plenty of them.

Q Did you see them to such an extent that you could pick them up?

A Yes, sir.

Q Let me ask you this. Did you ever have leaflets in your hand and read them?

A Yes, sir, I did.

Q And did you ever on occasion bring them to

Mr. Papadakos or leave them at his secretary's office?

A I did.

Q This was all on your own volition, is that right?

A That's right. I picked up a few one day and I brought them up to Mr. Papadakos' secretary. I don't know if he read them or not but I gave them to his secretary.

Q Let's get around to this speech that was made on June 11th and June 12th.

In relation to the setting up of the area, was that within an area that you were familiar with?

A Yes, sir. That was part of my production area.

Q How big an area was this that the chairs were set up?

A 50 x 120, roughly.

Q What was in there before the chairs were set up?

A Helicopters.

Q To set these chairs up, did the helicopters have to be removed?

A Yes, sir.

Q Were they removed under your direction?

A Yes, sir.

MR. RUBENSTEIN: Mr. Examiner, this has been testified three times. You stoppped me from asking questions about it and this goes in time and time again, by

AFTER RECESS

(Whereupon, at 12:15 p.m., the hearing was resumed pursuant to the taking of the recess at 11:40 a.m.)

TRIAL EXAMINER: On the record.

Mr. Lyons, had you concluded your direct examination?

MR. LYONS: Yes, I had, Mr. Examiner.

TRIAL EXAMINER: Mr. Leiner.

CROSS- EXAMINATION

Q (By Mr. Leiner) Mr. Ackles, did you ever discuss the union or the union activities of the Gyrodyne employees with any of your supervisors?

A No, sir.

Q Any of your leadmen?

A No, sir.

Q How about with Mr. Caliendo or Mr. Hollwedel; did you ever discuss it with them?

A On and off on small occasions.

Q What would you discuss with Mr. Caliendo in particular?

A What would I discuss with him?

Q ABout the union. This is in 1964 I'm talking about.

A This is correct.

Q What would you say to --

A We.discussed about the pamphlets being handed out.

that's about the gist of it.

Q Did you ever discuss the wisdom of having a union in the shop with Mr. Caliendo?

A No.

Q How many conversations do you think you had all told with Mr. Caliendo with regard to the pamphlets being distributed?

A A couple of them. Three, four, maybe.

Q How about with Mr. Hollwedel?

A About the same.

Q About the same?

A Yes.

Q Always the question of pamphlets being distributed?

A That's right. We are on the same level.

Q I know that. I was interested in how many conversations you had with Mr. Hollwedel.

A About the same as Mr. Caliendo, three or four.

Q About the union distributing pamphlets?

A Yes.

Q Did you ever voice an opinion about the ability of the union to organize the employees?

A No.

Q Did Mr. Caliendo voice such an opinion to you?

A No, sir.

Q Did Mr. Hollwedel voice such an opinion to you?

A No.

Q DAd you ever discuss the union coming into the shop with Mr. Papadakos?

A On possibly maybe one occasion.

Q This is in 1964?

A Around then. The early part of it, yes.

Q Where did this discussion take place?

A On the floor.

Q Do you know the name Earnest Petito?

A Yes, sir.

Q Did you know that he was discharged by the company?

A Yes, sir.

Q Did you know why he was discharged?

A He worked for Mr. Hollwedel and at the time of the layoff, I don't know all the particulars on it, but I know it was a cutback in the inspection department.

Q So he was laid off because they didn't need his services any longer because they had too many inspectors, is that right?

A This is about the gist of it.

Q He wasn't discharged for cause, was he, because he was a bad employee?

A Not to my knowledge.

Q Did he speak to you after he was discharged,by the way, as to why he was discharged?

part of '64.

Q I see.

Is that because you hired people in 1963, late '63, and you wanted to get rid of them in 1964, is that right?

A I wouldn't say that. It was the way the workloads were moving up and down.

Q But wasn't it your plan to cull from the over-staffed machine shop personnel the best personnel and keep them in employment and get rid of the least productive?

A Definitely.

Q It was your plan to do that, wasn't it?

A Definitely. This is a standard business practice.

Q Did you testify that in the spring of 1964, the company was still in an R & D stage of production, Research and Development? Was that your testimony?

A No.

Q I say was that your testimony?

A Fron '63. From the tail end of '63, we were still.

Q You were still in R & D. But you were not in R & D in the spring of 1964, is that right?

A That's right.

Q You were in full production, is that right?

A That is correct.

Q You were working on the Hundred Drone order, is

that right?

A That is correct.

Q And you had already received a contract for the production of 186 Drones, isn't that right?

A That is correct..

Q And you knew you were going to go from 8 drones a month to 16 drones a month, isn't that right?

A That is correct.

Q In order to do that, you needed the best possible employees in the shop, isn't that right?

A Naturally.

Q And the employees who would turn out the most work, is that right?

A That's right.

Q And the best employees in the terms of the quality of the work they would turn out, isn't that right?

A That's right.

Q Therefore you knew, didn't you, that Mr. Mancini in the machine shop had written up Mr. Wolf as the best machinist he ever had in the shop, is that right?

A I beg to differ with you on that statement.

Q He did not write him up, is that right?

A He had written the man up as being a very good drill press operator. There is a big difference between the average machinist or machinist and drill press

operators.

Q I will ask you this --

MR. LYONS: Let him finish it, please.

TRIAL EXAMINER: Have you finished?

THE WITNESS: Yes.

Q Is it a fact or is it not that Mr. Mancini had written up Mr. Wolf as the best drill press operator that they had ever had in the shop?

A To the best of my knowledge, yes.

Q And, therefore, when you laid him off, you laid him off on a basis other than the fact that he was not the best drill press operator in the shop?

MR. LYONS: I object to the question.

TRIAL EXAMINER: Yes, that question is altogether too ambiguous, too vague.

Q You testified that you knew -- I withdraw that.

Did you know at the time that Mr. Wolf was laid off, that he had been written up by Mr. Mancini as the best drill press operator they ever had in the shop?

A No.

Q You didn't know that?

A No.

Q Did Mr. Mancini ever mention this to you?

A He had brought it up after the decision was made.

Q But before he was laid off?

A That's right.

Q And what happened between the time that he told you and the time that Wolf was laid off, what did you do about it?

A What did I do about it?

Q Right.

A I checked the background of the man who was to be left there and I found out that he was more or less of a combination man.

Q Who was?

A Mr. Orlando.

Q How many other machinists were left in the shop when you laid off Mr. Wolf?

A Oh, approximately 25, 26.

Q And how many drill press operators were there?

A One.

Q One?

A That is correct.

Q And are drill press operators more or less experienced and capable ordinarily than milling machine operators?

A I wouldn't say that.

Q I didn't ask you. I asked are they more or less experienced --

A They are less.

Q In other words, milling machine operators have a greater degree of skill than drill press operators, is that right?

A Yes.

Q Whose decision was it to send the three machine shop employees to the blade shop?

A Mine.

Q And whom did they replace?

A Whom did they replace? As I said earlier, one of them replaced Mr. Morel, which was on the miller, and Shields didn't replace anyone and Rogers, he replaced one man that was going to quit.

Q Who was that?

A I forget his name.

Q Was that Fluellen?

A No.

Q Was that Schmidt?

A No.

Q Was that Bentivegna?

A No. One was in the routing section, one was in the finishing section, hand-finishing.

Q Why were - did you testify that Mr. Dennis had come to you and complained of the work habits of Fluellen and Bentivegna and that's why they were laid off?

A Yes, sir.

Q They weren't laid off because there was not enough work?

A They were laid off due to their work habits.

Q They were laid off due to their work habits.

Do you know why Mr. Schmidt was laid off?

A No, I don't. The man did not work directly for me.

Q Did you investigate the basis of Mr. Dennis' report to you that Fluellen and Bentivegna should be discharged?

A I based my decision on his report as being the foreman in the shop.

Q Good.

Now, would you tell the Trial Examiner, to the best of your recollection what his report -- what Mr. Dennis' report was with regard to Mr. Bentivegna?

A I don't quite recall it all but it was that he was a little lax in his work habits throughout the day and, of course, Mr. Dennis wasn't getting his production out of that particular area.

Q How many reprimands had he received either for his laxness or for other reasons; how many reprimands appeared in his folder?

A I wouldn't know offhand.

Q Did you look in his folder?

A No, sir.

Q Tell us about Mr. Fluellen, why was he terminated;

do you recall?

A He was in the same condition.

Q He wasn't turning out enough work, is that right?

A That's right.

Q Do you know if he had been reprimanded by Mr.Dennis or anybody else?

A Offhand, I couldn't make that statement.

Q But you know that both Fluellen and Bentivegna were discharged rather than being laid off, is that right?

A To the best of my knowledge, yes.

Q Well, you are in control of that shop, aren't you?

A Yes.

Q And you made the decision to discharge them,didn't you?

A Yes.

Q Did you forward the reasons for the discharge on to the personnel office?

A Yes.

Q Now, you testified, I believe, that there was plenty of work available in the blade shop, didn't you?

A Yes, sir.

Q As a matter of fact, you were going from something around 600 blades' production to about 1200 blades' production per year, isn't that true?

A Correct.

Q Doyou remember whether Joseph Damato was terminated for cause or was he laid off because there wasn't enough work?

A To the best of my knowledge, he and Mr. Dennis were working -- they more or less was in the same areas quite a bit.

Q I didn't understand your answer. I didn't ask you where they worked.

Do you remember my question?

A Yes. You see, I have a certain position where I'm not in those shops, you know, six and eight hours a day. I'm all over the place, you see, and I only hit these shops from time to time, a percentage of my time is consumed at each area. So you have to give me a chance to kind of reason these things out in my mind here what I know about these particular persons in the particular area.

Q All the time you want, Mr. Ackles. Take all the time you want.

A Well, this here particular man, Mr. Damato, the reason that he come about was some days he would produce, other days he didn't quite get up to par, other days he slipped back further . And Mr. Dennis, naturally, couldn't cope with this going on in his particular section because there was a certain percentage of work

has to be done within an hour, within two hours, in order to keep other areas going. So Mr. Dennis recommended this man be laid off.

Q You mean discharged, is that right?

A No, laid off.

Q It wasn't a permanent lay off then, was it?

A He was to be laid off.

Q Was it a permanent lay off or a temporary lay off?

A As far as I'm concerned, it is permanent.

Q Was the reason that you understood for Mr. Dennis with regard to Mr. Damato, the fact that he did not turn out enough blades, is that right?

MR. LYONS: I object to that. That's not a statement of the witness' testimony.

A The man did not turn out blades. He only worked at a specific section in the manufacture of the blade.

Q He didn't do his work fast enough, is that right?

A That is correct.

Q Was anybody employed or transferred to replace Mr. Damato at his job?

A No.

Q No?

A No.

Q In other words, the department as constituted in which Mr. Damato worked, could turn out enough blades even

without Mr. Damato to satisfy the demand?

A TLat is correct.

Q That is correct. Now, who was in the department turning out blades, doing the same job that Mr. Damato was, at the time he was terminated?

A Who was in the department?

Q In the blade shop.

A Mr. Southworth and there is one other gentleman - I don't know his name.

Q Mr. Burch?

A No.

Q Do you know who Burch is?

A No.

Q You say this other gentleman and Mr. Southworth could make enough blades in June of 1964 to satisfy the demand that was then required by the company for the blades?

MR. LYONS: I object to the question. These men did not turn out blades.

TRIAL EXAMINER: Yes, that is my understanding. Damato, to hear him testify, you would think that he turned out a whole blade and was the fastest man in the whole department and that the company greatly depended upon him. I got the impression Damato was all over the place.

A Who did I specifically, a name?

Q TUat's the question.

A Right now I can't recall a name.

Q But you could recall that you gave him a full day's notice, isn't that right?

A Yes.

Q Was it an employee in the machine shop or in the blade shop, do you recall that?

A No, it was -- he was on the flight line.

Q Now, at the time that you laid off Wolf and Kargauer, was there a lack of work in the machine shop at that time?

A It was decreasing at that time.

Q It was decreasing at that time?

A Yes, sir.

Q Do you know what a wood pallet is?

A Yes, sir.

Q Was it a fact or was it not a fact that raw parts for the machine shop were stacked all over the machine shop ready to be further machined at or about June 29th, 1964?

MR. LYONS: I object. It is improper cross-examination. Not within the direct. Certainly it is immaterial as far as the charges in this complaint.

TRIAL EXAMINER: You can answer the question yes or

no.

A Yes.

Q There was a lot of work around?

A Yes.

TRIAL EXAMINER: There was material stacked around. That's according to the testimony of some witness or two here. There was material stacked around.

MR. LEINER: I just want a confirmation from Mr. Ackles. Thank you.

Q It is your testimony that you never discussed the union or the attempt of the union to organize the employees with Mr. Dennis, is that right?

A That's correct.

Q Mr. Ackles, did any employees of Allied Maintenance Company do any packaging for the Gyrodyne Company in or about June 1964?

A Not to my knowledge.

Q They were only maintenance, is that right, clean-up men and so forth?

A Clean-up men, correct.

Q Who was the senior leadman in the machine shop in or about the period January through June 1964?

AT The senior leadman was a man by the name of James Manico.

Q You testified, I believe, that ordinarily you

is that right?

A That's correct.

Q Who told him that he had to do that?

A I did.

Q It wasn't Mr. Mancini that came to you and recommended that a few people be laid off because there was not enough work for them, is that true?

A Going over the workloads from the planning department with Mr. Mancini and I, we had a little conversation about the man hours which were required to do this work, which he evaluated and come up with the numbers which showed he had a couple of men too many.

Q A couple of men too many?

A That's right.

Q In the machine shop?

A That's right.

Q When was this?

A Oh, sometime in early June.

Q In early June?

A Yes.

Q So in early June, he told you that you had a couple of men too many in the machine shop, is that right?

A Yes.

Q A couple, I take it, means two?

A Two.

Q Therefore, you laid off two men, is that right?

A That is correct.

Q What considerations did you decide on to lay off or terminate the employment of Walter Kargauer?

A On a recommendation from Mr. Mancini also.

Q What did Mr. Mancini recommend?

A That Mr.Kargauer be laid off.

Q And what were the reasons?

A The reasons were that some of his work was going back in for re-work.

Q In other words, he was not a good employee?

A In other words, Mr.Kargauer was a good machinist, a very good machinist. I will not deny this. But you see, this type of machinist, which is used to R & D work or experimental work, always maintains to the high side of the tolerance and on a lot of our jobs, we got to hold nominals on blueprint tolerance in order to make two parts go together.

If they are held on the high side, it means these components have to go back to re-work, which is increasing the man hours used on that particular job.

Q In other words, he was too strict and too delicate in his performance of the machine work, is that true, and you could get along without such high tolerances?

A This is correct.

Q How many times do you know that Mr. Mancini cautioned Mr. Kargauer not to work to such high tolerances?

A Well, I know about three occasions.

Q About three occasions?

A Yes.

Q Were you present when he did so?

A No, sir.

Q How did you discover that?

A It was told to me by Mr. Mancini.

Q When did he tell you this?

A Oh, this went on from time to time. I'd say any place from possibly May or April in the year of '64.

Q From April '64 through May of '64, on several occasions Mr. Mancini told you that he had cautioned Mr. Kargauer against working at such -- excuse me -- he cautioned Mr.Kargauer that Mr. Kargauer was working to too high a tolerance in his machining?

A To the high side of the tolerance.

Q And you are testifying now that that was the reason that Mr.Kargauer was chosen to be laid off?

A That is correct.

Q How many other machinists were there in the machine shop on or about June 29th, 1964?

A About 26.

Q About 26?

A Yes, sir.

Q Did you ever speak to Mr. Kargauer about it, about his working to high tolerances?

A No, sir. I leave that to my supervisor.

Q You were not doing any experimental machine shop work in or about April or May of 1964, were you?

A No. That all had phased out.

Q As a matter of fact, Mr. Ackles, the new blade shop machinery had been installed in the machine shop and was being used in or about June, 1964, wasn't it?

A Yes, it was.

Q And it was that new machinery which caused a lack of work in the machine shop, wasn't it?

A Excuse me a minute. You combined the two areas together here; which specific area are youtalking about?

Q What area did I say?

A You are talking about both the machine shop and the blade shop.

Q I withdraw the question. I'm sorry.

Was the new blade shop equipment installed as of June 1964?

A Part of it. Not completely.

Q And was this part that was installed the cause for the reduction in work in the blade shop?

A This is correct.

Q Is that true?

A Part of it is true, yes, sir, and part of it is their other problems, both go together.

Q Now, the three persons who were transferred from the machine shop into the blade shop, I want to direct your attention to those people.

Had any of them worked with blades before, meaning wooden blades?

A No, not to my knowledge.

Q All of them were metal working machinery specialists, isn't that true?

A That type of people, yes.

Q Would you tell the Trial Examiner, Mr. Ackles, whether there was a large amount of work in the blade shop in the end of June, 1964, or a little amount of work?

A No, I would say in June of '64 it was tapering off.

Q There wasn't too much work in the blade shop, is that right?

A No. We were dropping off. In fact, we dropped off on spares and we were just on the production units.

Q So that's why you sent three machine shop employes without experience down into the blade shop to replace Bentivegna and Fluellen and whoever else the other man was; isn't that true?

A I didn't say I sent them down there to replace them.

MR. RUBENSTEIN: I request that you tell counsel not to tell the witness what to answer. This is cross-examination. I am checking his credibility and counsel rises to tell his witness what to say, Mr. Examiner. He just told him what to answer to me.

TRIAL EXAMINER: All right, go ahead. Go ahead.

MR. RUBENSTEIN: Will you read the last question, please?

(Question read)

A Not to my knowledge.

Q (By Mr. Rubenstein) You heard the statement of your attorney just before, didn't you?

A Yes, sir.

Q Now, how often are such meetings being held or were held at the plant?

A Normally we get to have a get-together once a year.

Q Normally?

A Yes.

Q When was the last meeting held previous to June 11, 1964?

A I'm pretty sure there was one around '63.

Q You are pretty sure?

A I am pretty sure, but I am not too positive on it.

Q Do you remember attending a meeting before June 11, 1964?

June or before June, 1962, in connection with a union campaign?

MR. LYONS: I object to that question as refreshing anybody's recollection, and I was there at all meetings and I certainly object to this as a method of refreshing someone's recollection.

MR. RUBENSTEIN: If you were there, maybe you ought to testify. I am sorry for saying that, but I think counsel should testify. Apparently he knows too much about it and he gave advice, and I think he should take the stand and tell us what happened.

TRIAL EXAMINER: Objection sustained.

MR. RUBENSTEIN: I except.

Q (By Mr. Rubenstein) Now, I understand, Mr. Papadakos-- sorry, strike "Papadakos."

-- Mr. Ackles, that you approved the discharge of the -- of Damato, Kargauer, Wolf, Pacilio, Pipia, Fluellen, Bentivegn and Galvani; is that right?

A That's right.

Q Did you approve the discharge in June of 1964 of any other employes of Gyrodyne?

A Yes.

Q Can you tell us?

A Yes. There was a few people that was on probationary periods.

Q And you had them laid off?

A Yes, sir.

Q In addition to the probationary employes, these were the ones that were let go, is that right?

A That's right.

Q And when you approved their discharges, did you check their personnel records?

A No, sir.

Q You didn't know?

A No, sir.

Q You simply told your foreman to discharge them, is that it?

A The foreman or the supervisor come up with his recommendation and he made his recommendation to me, stated his case, and then I approved it.

Q And you didn't ask to be shown the record of the employee, am I correct?

A No, sir.

Q You just said go ahead and do it?

A Because my foremen and supervisors also do their own hiring with my approval.

Q I gather, Mr. Ackles, that you didn't see the record at all but you relied on your foreman who stated their case?

A That is correct.

JAMES SULLIVAN

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Lyons) What is your name?

A James Sullivan.

Q Where do you live?

A 675 May Street, South Hempstead.

Q Who do you work for?

A Gyrodyne Corporation of America.

Q How long have you worked for them?

A Four and a half years.

Q What is your job there?

A Foreman in charge of the avionic inspection department and instrument calibration department.

Q How long have you been such a foreman?

A Four and a half years.

Q What is the avionic inspection department?

A We are the final acceptance of any components, electronic components being sent in by outside vendors. We test according to inspection procedures.

Q Let me interrupt. What is a component?

A A component could be what we call a black box. It could be an electronic piece of equipment.

Q Would you give us in layman's language a description

that correct, sir?

A Yes.

Q And how many people did you have working in that area during spring of 1964?

A 21, 23 people.

Q What were they made up of, what did they consist of?

A Well, there were five people that were in the instrument calibration department. The remainder were in the final acceptance and inspection department.

Q We have gotten this avionic inspection or electronic inspection. What is instrument calibration?

A Instrument calibration department takes care of the servicing of all of the test equipment in the company. That's your VTVM's, your scopes.

Q What is a VTVM?

A A VTVM is an electronic piece of equipment that measures your voltages.

Q And who else worked in that department under you?

A Well, I have actually three leadmen under me. That's Al Beltran, Don Cook and Don Samuels.

Q Which department did Cook and Beltran work?

A They worked directly in the avionic inspection department.

Q Where did Samuels work?

A He was the leadman in instrument calibration.

Q Was instrument calibration also in this same room, about the same area as we are in now?

A Yes, it was.

Q Did you watch these leadmen during the day?

A Yes, sir.

Q Would you tell us what their duties were?

A Their duties were to instruct any new employees as to our procedures of checking out the avionics and also to familiarize them with the necessary paper work, that is, thatis usually done in this type operation.

Q Did they do any inspection?

A Yes.

Q What percentage of their time was spent in inspection work?

A Inspection work, I'd say 65, 75, 80 per cent of their time.

Q Doing the same work the other people were doing?

A Yes.

Q Will you tell me whether they were paid on an hourly basis or weekly?

A Hourly basis.

Q Do you know where their lockers were located?

A Lockers in the sense is not a locker as far as putting clothing in or anything. We considered it a drawer. Each technician had a drawer of his own assigned to him.

Q Did these men have the same type drawer in the same area as the other technicians?

A Yes, sir.

MR. LEINER: Mr. Examiner, Mr. Lyons has been leading the witness. He has been doing it for the last three or four questions.

I object to it.

Q Outside of this 75 to 80 per cent of the time that these men spent working, will you tell us what else they did during the day?

I think you did mention, sir, if a new man came in, they showed him what to do. Did you also do that?

A I certainly did.

Q During the time that you were there, during this 80 per cent of your time, in relation to new men, what did you do?

A As far as my other duties?

Q No. In relation to a new man coming in, what did you do with him?

A As soon as a new man came in, I introduced him around in the department. I had shown him what our function was. Showed him the inspection procedures that we use in order to fulfill the duties of the job.

Q WNo did the assigning of work?

A I assigned all the work in the department.

Q When did you assign the work?

A Whenever it was necessary to -- if a man was on a particular job at the time and it looked like he was going to finish in an hour or so, I would have another job assigned to him.

Q Let's start in the morning when you came to work. What time did you get to work?

A 7:30.

Q What about work for that day?

A I would have - if they were not assigned a job previously, the day before, which they would continue on the following morning, I would assign them a new job to start the morning off.

Q In relation to these men Beltran, Cook and Samuels, did they have any authority to hire any employees in that department?

A No, sir.

Q Who did?

A I did.

Q And did they have any authority to transfer anybody?

A No, sir.

Q Did they have any authority to suspend, lay off or discharge anybody?

MR. LEINER: Mr. Lyons is leading the witness.

TRIAL EXAMINER: Oh, he is going through the usual

questioning along this line.

MR. LEINER: The proper question is, what powers did they have.

TRIAL EXAMINER: Don't argue with me, please.

You are overruled.

Q Did they have any authority to suspend, lay off, discharge or recall any employees?

A No, sir.

Q Did they have any authority to promote or reward?

A No, sir.

Q On the matter of who would work overtime, if there were any overtime, would you tell me whether they had any right to award overtime to any employees?

A No, sir.

Q Who did that, if necessary?

A I did that.

Q Did they have any authority to discipline anybody?

A No, sir.

Q Who did that?

A I did that.

Q Who was responsible for the direction of the work?

A I was.

Q Can you tell me this? If there were any complaints or any grievances, who did the men come to?

MR. LEINER: Objection. These last answers call for

speculative conclusions.

TRIAL EXAMINER: I don't think so. If the witness knows.

A They would come to me.

Q Who is "they"?

A The men in the department or they would go to the leadman and the leadman would relay it right to me, the grievance or whatever the case is.

Q If you were there, you just took care of it right away, is that right?

A Yes, sir.

TRIAL EXAMINER: Tell me, if you will, Mr.Sullivan, what discretion any one of these three leadmen might have in connection with directing the work of other men in this particular department?

THE WITNESS: Directing the work?

TRIAL EXAMINER: Yes.

THE WITNESS: It would be on the basis of knowledge, as far as the leadman having the knowledge on the particular job and he would relay his knowledge to the technician.

Q As far as the direction of the work was concerned, who did the directing of the work?

A You mean the actual assignment of the job?

Q Yes.

A I would do that.

Q Who did the checking of the job all during the day?

A All during the day, it is the technician's own job to do that.

Q After the technician is finished with the job, what does he do with it?

A He would put it on the acceptance shelf with a green acceptance tag.

Q He would do that on his own authority?

A That's right.

Q What happened to it after he, the technician, put iton the acceptance shelf?

A He would then put it on the acceptance shelf with the acceptance tag and then that part would get sent to the stock room.

Q Let me ask you this. After this was put on this acceptance shelf, was it the duty of any of these leadmen to further check on it before it would go out?

A The leadman would check the part number to see if the part number was right and the procedure and data sheet was filled out.

Q The tabulation of this information was the only thing the leadman did with relation to the work the technician did. He did not inspect it for any other previous check-up, is that right?

Q Was there any work at that time being done in the shop that your department was inspecting?

A None.

Q Let me ask you this. As far as length of service was concerned in the avionics inspection department, who were the men with the longest length of service in that department?

A Al Beltran and Don Cook.

Q They were the men who were there longer than anybody else, is that right?

A That's right. Al Beltran was the first man hired into that department. Don Cook was second.

Q How long were these employees that were terminated in June of 1964, do you know when most of them were hired?

A I wouldn't say it was more than a year. I would say eight or nine months.

Q Getting on to the termination of the employees listed in the charge sheets, I'm going to show you the complaint here and you may refresh your recollection from that, sir, on the next series of questions I'm going to ask you.

Who was your superior, sir?

A John Hollwedel.

Q How often during the day did you see John Hollwedel?

A He would spend time down in the immediate area, 5 to 7 per cent of his time. Then the other time would be where

I would be up on the mezzanine and we consulted.

Q Let me ask you this now, Mr. Sullivan. In this area that you have described, where the work goes on, was there a desk?

A Yes.

Q How many desks were in there?

A Just the one desk.

Q During the time that you were not walking around inspecting these -- supervising these men, were you at that desk?

A Yes, I would be at that desk.

Q You said that there were certain data tabulated from these inspection cards by Mr. Cook and Mr. Beltran, is that right?

A Yes.

Q Where did they do that work?

A They would do it at the desk.

Q At this same desk?

A Right.

Q You had another desk in another part of the plant?

A I had one upstairs in the mezzanine.

Q How far is that from this department where you say you spent 75 to 80 per cent of your time?

A Oh, it is just up maybe 15 steps, 15 ste-s up to the next level.

Q And you had a desk, an office desk up there, is that right?

A Yes.

Q And you had a secretary?

A Yes.

Q And you were a salaried employee, sir?

A Yes.

Q During this time in the spring of 1964, did you have any discussions with Mr. John Hollwedel relative to the workload in your department?

A Yes, I did.

Q When was the first time you had these conversations?

A I'd say a couple weeks prior tothe lay off period.

Q And Mr. Hollwedel came to you concerning the work of your department?

A Yes.

Q Could you tell us what the condition of work was in your department during the spring of 1964?

A Well, it was very low. We hardly had enough work in what we call our hold area, the area where we have work coming in from the vendors for us to final accept.

Q As a result of that, what were the men doing during this period of the spring of 1964, up through April and May?

A Eventually they gotinto doing bits and pieces, our

switches and fuses, things like that.

Q As a result of these conversations with Mr.Hollwedel, did you and he go over the list of the employees of the department?

A Yes, we did.

Q And at that time did you evaluate the employees that might have to be let go as a result of the reduction in workload?

A Yes, we did.

Q How many times did you confer with him, sir?

A Oh, quite often we would get together and -

Q As a result of your conferences with him, did you keep reassessing the men in your department?

A Yes.

Q How did you do that?

A Judging on the amount of personnel I had in the department, knowing the hours per unit to be done against each unit, that's the way I evaluated it, the amount of work that was in it, against the amount of personnel.

Q During that time, did you come up with a list of men that would be terminated?

A Yes.

Q What factors did you take into consideration when you made up this list of men?

A I was taking in length of service, adaptability in

the department, knowledge, versatility.

Q After you did that, did there come a time that you put in a list of men with Mr. Hollwedel that would be let go from your department?

A Yes, I did.

Q Would you tell us those names?

A Frank Vella --

MR. LEINER: Objection. He is reading from the complaint. I would like to know if his memory --

TRIAL EXAMINER: Oh, let's save a little time. Stop this foolishness.

Look at the complaint and tell us which ones you remember, please.

A Frank Valla. George Fallo. Frank Lupardo. August Priete. Robert Martinez. Robert Berardini. Michael Petralia., Wallace Wall.

Q During the time that you were examining this list, were you in constant contact with Mr. Hollwedel?

A Yes, sir, I was.

Q And after you -- did you discuss each person with him?

A I did.

Q After you had the list of your entire department made up and then these factors that you gave, did he make a decision to terminate these men?

A Yes, he did.

MR. RUBENSTEIN: Objected to.

Q Let me ask you this then. Who did make the decision to terminate the men?

A John Hollwedel.

MR. RUBENSTEIN: Objected to. The question was asked before and I objected to it.

Counsel asked the same question all over again.

TRIAL EXAMINER: Overruled.

Q During the period previous to the June lay offs, there wss a union campaign being conducted by the UWA at Gyrodyne, isn't that true?

A Yes.

Q And that had been going on for some 18 months?

A Yes, sir.

Q During that time, sir, were there occasions when there was union literature about the place?

A Yes, sir.

Q During that time, did you ever have a discussion and more particularly I would like to call your attention to a discussion with a Mr. Vella, 1208 and 1209 of the testimony, in which Mr. Vella testified --

MR. RUBENSTEIN: Objected to. He is being read from some sort of a statement.

TRIAL EXAMINER: He is reading from the official

transcript.

MR. RUBENSTEIN: He is not. He is reading from a yellow sheet.

MR. LYONS: I took some memos from it.

Q Did there come a time, referring to page 1208 -- I wonder if the Trial Examiner wants to follow me on this--

TRIAL EXAMINER: I'll follow you.

Q "Question: Would you tell the Trial Examiner what happened after you had come to that meeting?

"Answer: The morning following the meeting, I was in the calibration area and about a quarter after nine, Al Beltran and Don Samuels came to me.

"Question: Who is Al Beltran?

"Answer: They are both leadmen. They came to me around 9:15 and they said, "You better see Sullivan. He thinks you are a union organizer and you are going to get canned."

Page 1209:

"Question: What did you do then?

"Answer: I was greatly disturbed so I waited until I was able to get a hold of Sully.

"Question: Who is Sully?

"Answer: Sullivan. I saw him around ten o'clock. I went up to him and I said, "What is this I hear about me getting canned because you think I'm a union organizer?"

"He flatly denied that he ever said this to Beltran or Samuels."

Now, Mr. Sullivan, do you remember any such incident with Mr. Vella?

A Yes, I do.

Q Would you tell us what your recollection of that incident was and when it took place?

A Well, everything that was said there was true. Frank Vella did come up to me and make that statement.

Q DRd he mention who --

A No, he did not mention who said it. He just said, "I hear."

Q What did you say?

A I said, "Well, as far as I'm concerned," I said, "I know nothing about that."

Q Did you ever say anything to him about whether it made any difference to you --

A I said to him, "Don't worry about it."

Q Did you ever recall now, and thinking very positively about this, as to whether the names Beltran and Samuels were mentioned by Vella to you?

MR. LEINER: Objection.

TRIAL EXAMINER: What in the world is the ground for an objection like that?

MR. LEINER: I withdraw it.

A No, no mention of their names.

Q Did you ever have any -- in assessing Mr. Vella's work at the time of the lay off, did you review your experiences with him?

A Yes, I did.

Q What were your experiences with Mr. Vella?

A Well, Mr. Vella had to be reprimanded by me twice as far as being in other areas than where he should have been on his work assignments and in talking to other employees in the department.

Q In the reduction in workload, can you tell us whether in point of length of service that these men who were laid off who you mentioned here, whether they were the latest employees hired?

A No. They were -- this case with Vella, he was not. There was Vincent Stiles did not have more service than Frank Vella.

Q But outside of Vincent Stiles, then the eight men that were mentioned were the last people in pointof time being hired, is that correct, sir?

A Yes.

Q Is that right?

A Yes, sir.

Q In addition to these men that were laid off, have yousince that time ever hired any other inspectors in your

department?

A No.

Q Have you put in any extra overtime as a result of the layoffs of these men?

A We put in overtime but just -- maybe two nights in one week. One night out of a week.

Q Every week?

A Not every week.

Q How often would you say percentage-wise?

A Since the lay off, I would say it only happened in two cases.

Q Before the lay off,how many times did you work over-time?

A We were working overtime quite a bit.

Q Percentage-wise, how much more overtime did you do when you had all the men than you did when you didn't have any?

A I would say 60 per cent of the time and that's what necessitated us to put the night shift on, because of that reason.

Q Then that was done away with, is that correct?

A That's right.

Q In addition to the night shift being done away with, there is no overtime outside of two separated incidents, is that correct?

A That's right.

Q Did you do any subcontracting?

A No, sir.

Q Regarding this man Martinez, are you familiar with him?

A Yes.

Q Do you remember that he wrote some sort of a letter or a recommendation concerning the changing around of the Drone?

A Yes, sir.

Q Was that submitted to you?

A Yes, it was submitted to me and I in turn submitted it to John Hollwedel.

Q Do you know whether that was evaluated by engineers?

A Yes, sir.

Q Do you know whether any of the recommendations of that piece of paper were ever put into effect?

A No, sir.

Q At 1162, line 6, the statement made by Mr.Martinez, starting at line 3:

"I knew I was called up into the office by Mr. Sullivan who then said to me more or less the same thing, that you seem to have a lot of trouble finding catalogs and such. The other fellows seem to be able to do this by themselves.. I don't want you to give Mr. Cook a hard

time as he represents me down in the shop."

Did you ever tell Mr. Martinez that Mr. Cook represented you in the shop?

A No, sir.

Q You were in the shop, isn't that right?

A Yes, sir.

Q At page 1165, reading from line 11 through line 22:

"Question: Will you tell the Trial Examiner about that occurrenc-, when that occurred and where it occurred?

"Answer: This occurred after the occurrence that I previously mentioned with Al Beltran and Cook, in which I was again speaking to employees. Again, I believe it was just as the coffee break was getting over with. I was speaking about the union and I made the statement, the only thing -- "There is nothing wrong with this company that a good union couldn't fix."

"And Mr. Sullivan was standing about five feet away from me. I didn't see him. And he gave me a very nasty look and said, "Get back to work."

Mr. Sullivan, did you ever remember that happening taking place?

A No, sir.

Q Did you ever overhear at any coffee break Mr. Martinez making the statement that "there is nothing wrong with this company that a good union couldn't fix?

A No, sir, I did not hear it.

Q Did you ever hear it anywhere else from Mr.Martinez?

A No, sir.

Q At page 1184 -- 1184, let me read this question and ask you if you recall the circumstances about it.

Line 3:

"Question: Would you tell us when that was?

"Answer: Certainly. After the speech by Mr. Papadakos, this was about two days afterwards, I would say, or three days, on a Monday, to the best of my recollection. Mr. Sullivan and Mr. Al Beltran came down and they were asking the employees if they had any grievances or, as they said, any gripes. They came to me and asked me if I had any grievances and I said, speaking directly to Al-- Mr. Sullivan was right next to Al -- I said, "Well, the only thing that's wrong with the company really is that we need a union. TUere is nothing wrong with the company that a good union couldn't fix."

Do you ever remember two or three days after Mr. Papadakos' speech, that this man Martinez made that statement in your presence?

A No, sir.

Q Did you ever, in fact, solicit gripes yourself from any people?

A Not soliciting gripes. It is a part of my running

in the department are troubleshooters. There is no such thing as a classification of him being a troubleshooter.

TRIAL EXAMINER: That's all.

MR. LEINER: May I have a five-minute recess? I would like to get a transcript.

TRIAL EXAMINER: Yes, I will take a five-minute recess and I will get my copy of the complaint.

(Short recess.)

TRIAL EXAMINER: On the record.

CROSS-EXAMINATION

Q (By Mr. Leiner) Mr. Sullivan, I believe you testified in your direct examination that a couple of weeks before the lay offs in June of 1964 that work in the avionic inspection department was very low, is that true?

A Yes.

Q You do so testify?

A Yes.

Q I believe you also testified that as early as April of 1964, the avionics inspection technicians had very little work to do, isn't that true?

A Yes.

Q And you so testified?

A Yes.

Q And as a matter of fact, they were working on switches?

A Bits and pieces.

MR. LYONS: July 1st, 1964.

If the date won't be fixed by counsel, I would like to fix it myself.

MR. LEINER: If this were done by General Counsel, it never would be tolerated, Mr. Examiner.

TRIAL EXAMINER: Don't you tell me what would be tolerated and what would not. I have had enough of your snide insinuations and enough of your discourteous remarks.

You stop it and you stop it now. The next time you say something like that, out you go, and you stay out.

Now continue.

Q WDen wasthe list finalized that you submitted to Mr. Hollwedel before any of the avionics technicians were laid off?

A The list was finalized on seven people.

Q I said when?

A When? I say about a week prior tothe lay offs.

Q And again, Mr. Sullivan, when did you prepare the list? How long before it was finalized?

A A couple weeks before.

Q When you terminated these employees, did you tell them that they were going to be terminated prior to their termination, Mr. Sullivan?

A I did not.

Q You testified here, and again I am constrained to ask a question that was touched on cross examination, and that is as to the gripes.

I understand that you testified that one of the biggest gripes was the manner of being laid off without notice, is that right?

A Yes.

Q Can you tell us when that gripe was given to you?

A I can't exactly bring out the date or the time.

Q Well, approximately.

TRIAL EXAMINER: Isn't it in evidence here, some sort of company booklet covering employee relationships?

MR. LYONS: It is in evidence.

MR. RUBENSTEIN: Mr. Examiner, the witness testified that one of the gripes was the manner of lay off. And also they wanted to be reclassified.

I would like to establish when that particular gripe of the manner of lay off was brought to his attention.

TRIAL EXAMINER: Can you tell us that, Mr. Sullivan?

THE WITNESS: Yes. I would say approximately a month before that time.

Q A month?

A Yes.

Q Before the 29th of June?

A Yes. I would say so.

Q As to whether or not it would be good to have a union?

A No.

Q You are as sure of that as you are of all the other questions, is that right?

A Yes.

MR. RUBENSTEIN: Thank you.

MR. LYONS: No further questions.

TRIAL EXAMINER: You are excused.

(Witness excused.)

TRIAL EXAMINER: We will take a five-minute recess.

(Short recess.)

TRIAL EXAMINER: On the record.

GEORGE MANCINI

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Lyons) Mr. Mancini, you work for Gyrodyne?

A Yes, sir.

TRIAL EXAMINER: Do you know where Mr. Rubenstein is?

MR. LEINER: I am afraid I don't.

Q Where do you live, Mr. Mancini?

A Babylon. 111 Pilcher Street, Babylon.

Q You work for the Gyrodyne Corporation?

A Yes, sir.

Q How long have you worked for them?

A Three and a half years.

Q What is your job?

A I'm general foreman.

Q Of what department?

A Can I explain something? I have received, since the time we are talking about, a promotion where I have gone to other departments. At the time I was machine shop, sir.

Q Mr. Mancini, I will get around to it. Thank you.

At the present time, you are general foreman, is that correct?

A That's right.

Q Prior to June 30, 1964, what did you do at Gyrodyne?

A I was the foreman of the machine shop.

Q What did the machine shop do and make it very short. What was their job?

A The job in the machine shop is to manufacture certain hard core items for the development and the - of the helicopter.

Q Mr. Caliendo, was he your supervisor?

A No.

Q Who was it in June of '64?

A Mr. Pete Ackles.

Q And you worked under Mr. Ackles?

A That's right.

Q As part of the production department, is that right?

A That's right.

Q Before June of 1964, how long had you been foreman of the machine shop?

A Two years starting December.

Q As foreman?

A I started as a foreman.

Q And under you as foreman, did you have an assistant foreman in the machine shop prior to June '64?

A One man. John Huber.

Q How many men were employed in the machine shop during the spring of 1964?

A I would say around 24, 25.

Q Under Mr. John Huber, were there certain leadmen?

A There are, sir.

Q Who were those?

A The leadmen were broken down into four people. Shall I name them?

Q Yes, please.

A Joe Hans, milling. John Osmers, lathe. At that time it would be Jim Manico, grinding. And Andrew Barone--this is the best I know of this, jig boring.

Q What were your duties in the machine shop as foreman?

A My duties as foreman are to receive the instructions from the director of fabrication on those parts which are necessary for delivery, to prepare -- of course, he receives it from scheduling, - and to prepare the necessary distribution of hours in the shop by department, so that we could fulfill the delivery of those items.

That means scheduling actually of the hours, man hours in the shop.

Q How many hours a day did you spend in the machine shop?

A I spent approximately ten hours a day in the machine shop. Then and now, too.

Q As such, were you familiar with the workings of the different little sections of the machine shop?

A I am.

Q Of these 24 men that were employed there before June of 1964?

A I am.

Q And --

A Excuse me. I'm not sure of this count of 24,you understand. To the best of my knowledge, it's about 24. It could be 30. I don't want to tie it down.

Q During this time just prior to June 30, 1964, you

were in and about the machine shop ten hours a day, is that correct?

A Yes.

Q As such, were you familiar with the employees in that shop?

A That's right.

Q You knew them on an intimate basis, is that correct?

A I try to know all my men on some kind of an intimate basis.

Q As such, did you know one man named Wolf?

A John Wolf, yes.

Q What was his job prior to 1964, June of 1964?

A John was probably one of the better drillpress operators that we have had with us. He was hired because we needed to fulfill an area in the drillpress department and with a top-notch man and we had hired a few men for that type of an operation. And John was one of them.

Q In additionto drillpress operators, what other operations do you have?

A We have the entire gamut of machine shop operations which are basically divided into lathe, which could be either engine lathe or turret. We have grinding which is either production grinding or tool and cutter grinding. We have milling department, jigboring. And, of course, the hand-finishing which is an important part of the

operation of the machine shop.

Q In connection with the work of the machine shop, did there come a time in the spring of 1964, when you and Mr. Ackles had a conversation concerning the workload in there?

A Yes, sir.

Q Were you aware of the cost reduction program that was being put into effect as a result of certain letters that were received from the president?

MR. LEINER: I object to these last two questions. He is leading him as to dates and he is leading him as to substance, Mr. Examiner.

TRIAL EXAMINER: Go ahead, Mr. Lyons.

Q Would you answer the question?

A Yes. I was familiar with discussions with my superior concerning this.

Q Would you tell us what the workload was in the machine shop as we got intothe spring of 1964, and any tooling operations that might have been installed around that time?

A We were in the development stage of getting into a production drive where we were trying to certainly iron out all the problems that new tooling brings into the picture and with an appreciation of what we were going through, we wanted to take on additional hard core items

that were difficult parts and we have quite a bit of machine tool and tooling - and when I say tooling, by the way, I mean both capital equipment and the jigs and fixtures, - I normally group this in one, and it was necessary for us to develop out of both what we had in the shop and what we would like to bring into the shop, the type of talent necessary to change really from a prototype operation into a production operation.

Q What is a prototype operation, sir?

A A prototype operation is the manufacture of an end item with a limited number of these end items in mind, with one important thing, that you can change;the design is not frozen in a prototype but that any one or any group of components can be changed for the betterment of the product.

So every time you would take on a job under the prototype situation, you could never get into production on it because you had always to anticipate there may be changes.

So that means that you really never developed into the harder type tooling.

MR. LEINER: May we have a date on this, Mr. Examiner, please?

TRIAL EXAMINER: Yes.

Q Will you please tell us when the prototype operations

were going on, sir?

A Well, this is difficult because dates -- all Ican say is, I would like to give it, if I may, at the end of the 31 ship contract -- you see, Frank, I don't know the planning numbers. All I can tell you is what contract phases. I would like to present it that way if I can because that's the only information I have.

We have had several contracts that I knew in the shop. One was, I will refer to it as a 31 ship contract, which we can understand is a very few number items.

We are going to build 31 ships, we are going to build 186 ships.

As far as I'm concerned, as the foreman of that shop, we were still on prototype into the 186 contract. We did not solidify our operations, methods and tooling until we were -- we knew where we were going.

Q You were working into this 186 ship contract, to use your words --

A I would say yes.

Q And you were getting into a production planning, is that right?

A THat's true.

Q Would you tell us what the difference in the type of personnel necessary for production as contrasted to prototype work, if any?

A There is in my opinion a great deal of difference. The difference lies both in termperament and the experience and ability of the individual involved.

A prototype man is normally a better all-around mechanic who is capable of solving a lot of the problems that he foresees in developing a product and certainly he is a much more careful man. He is by nature of what he is doing, a slower-type man, which is understandable. He is working along with you for the development of the product. And this kind of a man usually is -- requires a different approach than you would on a production man, who is told how the job is to be run, the tools are set and he runs it that way and we dont deviate when we are in a production run, but a prototype man does deviate quite often.

Q Did you have discussions concerning this with Mr.Peter Ackles during the spring of 1964?

A I'm sure, sir. Yes, sir.

Q How often did you discuss these matters?

A This, as I anticipate the problem, was really the crux of it. We were trying to -- I would say when did we talk? We talked about it daily at least about what our plans were going to be to develop this kind of approach and if we were going to be successful, and if being successful meant how many we would need for that type of

an operation.

Q Did there come some time in June when there was discussion concerning a lay off of some men in your department?

MR. LEINER: Mr. Examiner, I object. He is feeding him the date. This is leading and improper. Discussions may have occurred before then.

TRIAL EXAMINER: Well, you are entitled to cross-examine the witness. If we are going to be so highly technical on every single question, we will be here for ever and a day. It is simply a time-saving question, Mr.Leiner.

MR. LEINER: I thought if he would ask him when it was --

TRIAL EXAMINER: Objection overruled.

A May I say something? I'm sorry, but dates and periods in my mind are a little fuzzy and I'll do my best but that's all I can do.

Q That's all any of us can do.

A Whether it is June or July, I'm not sure, sir.

Q Did there come a time in 1964 in which there was a lay off due to reduction in workload in the machine shop?

A Yes, sir, there was.

Q And were there any men laid off?

A Yes, there was.

Q Before they were laid off, was there an evaluation of the men?

A Certainly.

Q Who made the evaluation?

A I sent my recommendations on these people to Mr. Ackles and as far as I know, it is between Mr. Ackles' action and my recommendations. This is all I know.

Q I asked you this. Do you know what the word evaluate means?

A I did the evaluation of the detailed men and submitted it to Mr. Ackles.

Q Did you at that time make an evaluation of all of the men in your department?

A Most of the men, sir. When I say most of them, because there were some men there who had fit in their own little niches and there was no decision about a man who was there six, seven years and who was doing his job. I didn't evaluate him in relation to the job.

Q In connection with the other men, how many men did you evaluate before you came up with certain men that you recommedned to Mr. Ackles?

A 20, 25 men.

Q Did you take time to do this, Mr. Mancini?

A Certainly.

Q What factors did you consider?

A There were many factors in the total picture. I wish some of these things you people could appreciate along with me. You want to run a shop, you have to run it with a little more than just the best man for the job. You have to try to pick the people who would be best in your opinion for the total operation, the total team effort. The resultant success or failure of the shop depends in many cases on how well people get along with each other, how well they take their supervision, how well they react under the supervision. All these things are part of the story.

Q At the time of your evaluation, did you come up with a decision regarding a man named Kargauer?

A Yes, I did.

Q And as part of your consideration, after you evaluated him, did you recommend that he be laid off?

A Yes, I did.

Q Did you know Mr. Kargauer quite well?

A As well as I knew most of the other people in the shop, sir.

Q Would you tell us what his job was prior to the lay off?

A Yes. Walter was, I would say, a hundred per cent of his efforts were in the milling machine department.

I would say that he worked in the milling group for the entire amount of time that he was with us.

Q What was he working on?

A He was working on the milling work in the department and I would say most ofit, as I remember, is -- would be in this prototype stage which we were working on.

Q In connection with his work on the prototype, was there a matter of tolerance taken into consideration?

A There always is.

Q What is that?

A Well, I'll explain a little bit about the operation. We are allowed on any figure or dimension, a certain plus or a certain minus allowance in thousandths of an inch. If we would reduce a block one inch, it must plus five thousandths or minus five thousandths, let's say that is the tolerance.

I studied Walter's work and he was a good mechanic. He, to my knowledge, did his job, but from his background and from his -- from the work that he did for us, I would say that I had to make a decision concerning his ability to produce at the production level and it was my opinion that Walter was a prototype man which is-- which I was able to decide from two instances that came to mind in which the work - Walter never spoiled work. Let me say that. Which was rejectionable, or scrap. But he had

the tendency to be very careful, which is in his work admissible. It is all right. And he had to re-work several jobs. I know of two now that required re-work because he was above the tolerances. And in each of those cases, I had called on his leadman and I had asked that the same man who did the work re-work it because I thought that would bring home the issue.

One of them was a gimbel ring job which he milled the inside pockets undersize, which still could have been saved, which they were. He saved them, he re-worked them.

Another was the pocket of a pitch horn which was also done in the same manner.

Q In this switchover from prototype to production type, how did you evaluate how he would fit into a production type worker?

A Well, if you observe the way a mechanic works, you can -- a trained eye can pick up certain methods in which he works and it is quite common in our field, the machine shop field, to be able to evaluate the toolmaker's approach which by the way has a name similar to that or the production worker's approach or a prototype man's approach.

I would say without question in my mind that he had the approach of a prototype man.

Q You took that into consideration with other factors?

A Mainly what it was. This was the main thing that

I decided on releasing him for.

Q Mr. Kargauer testified at page 1319, line 20.

"Question: What did he say to you?"

Just a question prior to that:

"Question: Would you tell the Trial Examiner where you had the conversation with him?

"Answer: I was working at my machine when Mr.Mancini approached me.

Question: What did he say to you?

"Answer: He asked me how was the job going. I told him it was going well. And conversation ensued where he informed me that he was at one time an officer in a union, either a secretary or a treasurer in a union and he pointed out to me that unions were corrupt and gangsters."

Let me ask you this, Mr. Mancini.

Did you ever have any conversation with Walter Kargauer in which you stated that unions were corrupt and had gangsters in them?

A No. I had a conversation but I never said that they were corrupt and gangsters.

Let me explain a ittle bit, please.

Q Would you please tell us -- Mr. Mancini, bear with us. Sit back. Listen to the question and try and answer it.

Would you please tell us what conversation you had

concerning unions with Mr. Walter Kargauer?

A Yes. During the day, with the operation of 25 or 30 machines running, it is necessary and I have always done this, to circulate through the shop and talk to the men on the machine, and in many cases, you just don't restrict this to the job, but certainly when you walk up to to a machine and a man is on it, you talk to him about many things. Some cases where you know a man has personal problems, you talk to him about those. Certainly, you talk to him about the job on the machine, which is really the breaking in of the conversation.

You walk up and you will ask him how the job is going, which is normal. If there are any problems, the men should have a chance to talk to the foreman without going through the leadman, if this is something that should happen once or twice a day.

In this case, I went up to Walter. It was right on the floor. It wasn't in any place restricted. It was exposed.. There was another machine on either side of him, one in front, all with operators on. And all running. And I asked him how the job was going.

He said it was going well.

And --

MR. LEINER: May we have a date on this, Mr. Examiner, please?

TRIAL EXAMINER: Well, it is a conversation reported by Kargauer as being --

MR. LEINER: I am speaking about Mr. Mancino providing us with a date rather than Mr. Kargauer. I wonder if the witness could provide us with a date.

THE WITNESS: I'll do my best.

Q Could you tell us, if you remember?

A February, March maybe. I don't know. That's the best I can do, sir.

Q All right, would you tell us what the conversation was?

A Yes. We were discussing -- we had --

Q What did he say to you?

A I think the conversation opened where he told me he had trouble in the -- in his cellar with a sump pump or some kind of a deal and I told him how -- a manner in which I solved it and the conversation got around to the fact that as far as I remember it, that his father had been, I think it was a Teamster, I'm not sure of this, but I think it was a Teamster. And how well his father had done. And got around - he asked me if I was -- he had heard someone say that I was an officer in a union, which I was, and I told him that I was.

And we got around to talking about this and if I remember correctly, and I think I do in this case, we

started to discuss the merits of both the industrial type union and the guild type union.

I happen to favor a guild type union in the discussion at this time. I think he was talking about the industrial type union, which his father had belonged to. I told him that I felt rather strongly that a guild type union probably represented the men a lot better than an industrial type union at the time in a certain grouping of machine work.

And I came to the point of telling him my own personal experience, how I had been disillusioned. And I felt that it was quite possible that some unions could be corrupted by -- industrial type unions by the type of leadership. I remember bringing this out. But I did not say that all unions or unions are corrupt and have gangsters in them.

I have more sense than to say that and I have more respect for certain people who are running certain trade unions.

Q Did you ever question any of the men in the machine shop as to whether they belongedto a union or not?

A I never questioned any men in the machine shop if they belong to a union or not.

Q Did you ever take that into consideration in evaluating a man?

A Well, I didn't make an issue whether they were -- belonged to a union or not and therefore, I didn't take it into consideration, sir.

Q And you didn't know whether people --

MR. LEINER: Objection. He is leading the witness.

TRIAL EXAMINER: No, he is not.

MR. LEINER: On the question which was just answered, the answer was ambiguous, and now he is feeding to him --

MR. LYONS: I don't think it was ambiguous. It was very explicit.

TRIAL EXAMINER: Continue, Mr. Lyons.

MR. LYONS: I was halfway into a question, Mr.Zuck. May I have it read back?

(The record was read by the reporter.)

Q --belonged to a union or not in the machine shop prior to 1964 or the spring of 1964, is that right?

MR. LEINER: I object to that question at this time.

MR. LYONS: I will rephrase it.

Q Did you or did you not know whether any of the people in the machine shop belonged to a union at Gyrodyne?

A No, sir, I did not.

Q Did any supervisor ofyours, Mr. Pete Ackles, or anyone else, ever talk to you about inquiring whether men belonged

to a union or not?

A Not with me. No one ever asked me about that.

Q Did you ever threaten or tell anyone that they should not belong to a union?

A I don't threaten anyone.

Q Going back to this man, Mr. Wolf, do you remember-- I am going to read you some of his testimony here and then question you about it; reading from page 1096 at the bottom of the page:

"Question: Did you have any further conversations with any supervisor or leadmen with regard to the union?

"Answer: Jimmy Manico had come up to me one night and he had told me that Goerge Mancini felt that I might be a union organizer. "

TRIAL EXAMINER: Whose testimony is this?

MR. LYONS: Mr. Wolf at page 1096, last line.

Did you ever have such a conversation with Mr. Jimmy Manico?

A No, sir.

Q Skipping one question and going to another one, this is on a different -- this is Wolf's testimony,line 9, page 1097:

"Question: Would you tell the Trial Examiner if you recall the entire episode of how this remark by Mr. Mancini occurred?

It was then my job to determine if this was serious enough to take to my superior or to let it drop at that. I spoke to Jim Manico about it again.

I said, "Jimmy, I have to make this decision. How sure are you that it was jest and that it won't happen again?"

Jimmy said, "I'm sure it was done in a joke"and he was sure it wouldn't happen again.

I made the decision there not to carry it any further, that I would believe the man that it was done in jest and that's where I left it.

Q Did Manico -

A I didn't carry it any further.

Q Did Manico ever tell you whether anybody in the shop was a member of the union?

A I wouldn't have that kind of a conversation with him.

Q What is your answer? No?

A No, he did not, sir.

Q Would you tell me this? Did there come a time in connection with the work of the machine shop that you made a talk concerning certain work that was gotten into theshop?

A Yes, sir.

Q How many times did you make such talks?

A At the beginning of the 186 contract, I did make-workload, I did make a speech to the men in the shop, a talk to the men in the shop. I think it is necessary for the men to know what we are leaving and what we are going to and I tell them as much as I know about the operation.

Q What did you tell them concerning the work in the shop?

A There was, I believe there was two such -- the first time I remember speaking to the men was starting the new contract and I told them that we would like very much to be competitive on certain items that we didn't have in the shop, that we would like to present a good picture to get it into the shop.

Specifically, those jobs, the Bell housing which I knew we wanted because it was a very good job. It was a job that would have brought hours of jigboring time into the shop which I thought was necessary.

And the landing gears fittings which also were a good job for us to do.

I felt that we had to try exceptionally hard and I do go to the people who make the records for us, the people who work on the machines and I asked them to co-operate to do this.

That's what I did. At this time I did tell the

men that we had an 18-month workload, I believe, available to us, which at the time I said it, I believed it,and we had it.

I did not anticipate any of the problems that would arise.

Q In connection with the lay off of this man Wolf, will you please tell us what your -- what factors you took into consideration in reccmmending that he be laid off?

A Johnny Wolf was,as I said, a good mechanic. He was a good drillpress man. And he had, as far as I'm concerned, only one failing which made me make the decision to keep another man instead of him. It was the fact that Johnny Wolf was not satisfied. He never was satisfied with the work that he had.

He could perform as well, if not better, than anybody else at the drillpress but he was always after his leadman and me to transfer him to other departments. To transfer him to othertypes of machines. So that he can show his ability at milling and his ability at grinding and his ability other than the drillpress group.

And I had drillpress work.

It was a decision that I made in his evaluation. I felt I would be much better off with a man who was satisfied with the job and which I did make, rather than a man who was not satisfied but who was much better.

At the time I would have to say that Johnny Wolf was a better drillpress operator than Anthony, who I kept. But Anthony was perfectly happy to stay at the drillpress and doesn't want to move around.

This is a problem you have to solve in a shop. If you have a man that's contented with doing the type of work and he can do it adequately, you have to make up your mind whether you should have a much better man, a more aggressive man, but one who isn't satisfied, and in my opinion, you pick the man who is satisfied.

Q You gave this considerable consideration?

A This was the main consideration that was given concerning Johnny Wolf.

Q Do you know a man named Marsan?

A Yes, sir.

Q He has testified at page 1255, concerning a speech that you made he says early in June -- wait until I get the --

TRIAL EXAMINER: Excuse me, Mr. Lyons.

May I ask a question?

MR. LYONS: Surely.

TRIAL EXAMINER: Mr. Mancini, in connection with these two talks I believe that you made to the men in the machine shop when you told them about a new contract and so on, did you tell Mr. Ackles or anyone else that you

were going to make these speeches?

THE WITNESS: I don't believe I did, sir.

TRIAL EXAMINER: You did it on your own volition?

THE WITNESS: I am sure it would have been approved. I don't think I would have gotten a rejection but I don't recall specifically asking for permission to make the speeches.

MR. LYONS: May I continue, sir?

TRIAL EXAMINER: Yes, sir.

Q Reading from line 11, page 1255, page 1254. This concerns Mr. Marsan saying:

"Question: What did he say and who said it and when was it said?

"Answer: In the beginning of June 1964"--

Page 1255, line 21:

"Question: When was that?

"Answer: The second speech was made, I would say, around May. May or June. The beginning of June possibly."

This is Mr. Marsan discussing you.

Line 11:

"Question: What did he say?

"Answer: He stressed the point that he was hoping to be able to contract jobs that were being given out to vendors or subcontractors and get them into the machine

shop as far as machine shop work was concerned, and that he was hoping to be able to make bids on new work that was cominginto the plant due to a new contract, that everyone should keep their shoulder to the wheel and do their best so that he could put a lower bid to get the work."

Do you remember stating that, Mr. Mancini?

A No, there are certain things that are wrong in there. I remember making a statement but that wasn't my statement.

May I clarify this contract and bids deal a little bit? We don't put in a contract. We put in an estimate which -- I don't know how he interprets it in his statement, but we make an estimate on a certain job. We don't have anything to do with the contract itself.

I know of which contract the ships are being made for but the actual partis made by a work order. A certain work order is cut and we would put an estimate in against a part, rather than certain contracts or certain estimates that he is talking about.

Yes, I did remember -- I don't remember it being as late as it is stated there. I feel it was a little earlier than that because I feel that we -- we felt that there was in the company 18 months of work. There was a lot of talk at that time about work and workloads and I felt that the people in the shop sould know a little bit

about what I knew and if I remember correctly, I do preface every one of these conversations with the men and believe me, it is not on an elegant scale as it sounds, you make a speech. I don't do that. I just call the guys off the machine and I stand in the middle of the floor and Italk tothem.

I felt that it was necessary for us to look forward. We felt that there was 18 months work in the company and that we should get behind it and do what we can and I felt quite strongly that we would be able to gain a lot of different kinds of work that we had -- that we didn't have before, and I felt at that time that we could do it. Which I said.

And I also preface this stuff, by the way, because these people know, they have been working for the government as long as I have, that any contract can be terminated, canceled, anything you want, during even the operation of it.

Q Lbt me ask you this. After these terminations of these two men, Kargauer and Wolf, did you go into overtime work in the machine shop?

A Never.

Q Were these men replaced?

A No.

Q Not up to the present time?

A No.

Q Can you tell me this? Have any men left the machine shop since June of -- June 19th?

A Yes.

Q How many, about?

A I would say we had about three resignations.

Q Have you replaced those men?

A No, I haven't, sir.

Q How many men do you have working in the machine shop now?

A We have about 21, 23, in that group.

Q Is the amount of work being put out in the machine shop a greater volume now than was put out before?

A You can only put out so many man hours of work. Volume-wise, you mean numbers of parts?

Q Dollar-wise, if you know.

A Dollar-wise, I don't know. I know man hour-wise, we are putting out so many man hours of work.

Q Just one more question.

In relation to this speech you made, I'm referring to page 1256, did Mr. -- Mr. Marsan said you stated you wanted to increase the complement of help on the night shift to make it comparable to the day shift.

A That's not true. We never intended that the night shift should be anything near like the day shift. It was

AFTER RECESS

(Whereupon, at 2:15 p.m., the hearing was resumed pursuant to the taking of the recess at 12:45 p.m.)

TRIAL EXAMINER: All right, let's proceed.

CROSS-EXAMINATION

Q (By Mr. Leiner) Mr. Mancini, did you have lunch alone or with someone else?

A I was alone.

Q Did you discuss your testimony with anyone during this recess?

A No, sir.

Q Mr. Mancini, you have been the foreman of the machine shop for a number of years, is that correct?

A Yes, that is correct.

MR. LEINER: Mr. Examiner, may I ask that the witness be admonished to keep his voice up?

TRIAL EXAMINER: We have a little trouble in here, Mr. Mancini, in hearing, because of the air-conditioning so if you will try to speak up, we will all appreciate it.

Q Could you cast your mind back to the period of the fall of 1963 and would you tell the Trial Examiner about how many employees were employed on all shifts of the machine shop?

A I would say around 35 maybe.

Q About 35 men?

A I would say so.

Q And did thisnumber remain the same or decrease up until the beginning of the year 1964, to the best of your knowledge?

A I believe it increased.

Q How many men did you add between September 1963 and January of 1964?

A I want to answer you but -- can I just talk to you a little bit about --

Q Answer me the best way you can, Mr. Mancini.

A Before we went into the night shift, there was around 24 or 23. We went into the night shift, we went up a little higher, I would say another eight men. Then we tried to bring on some more -- that's about 32, 35. Then we increased again to see what we could gain by bringing new talent into the company. I would say at the peak, maybe we were close to 45.

Q When was this peak reached? Was it in 1963, late in '63 or was it --

A I honestly can't tell you.

Q Let me ask you this. When did you abolish the night shift? For the first time?

A It was cut off -- I think it was around Christmas time. Either the first or second time. Around Christmas time.

Q Then it was re-established, wasn't it?

A Yes.

Q Was that the time that James Manico was put in charge--

A James Manico was a supervisor on the night shift from the day it started. There was no separation. When the night shift started, Jim Manico was there and he was there with, I think we started with four or five men. Then it did go up to I think around 7, but he was still there,even when he came back.

Q I just want the record to show, Mr.Mancini, that you had a night shift prior to December 1963, and then there was no night shift for a while and it was reinstituted.

A That's right.

Q All I am trying to do is ask you to tell us when it was knocked out and when it was reinstituted and how many men you had totally in the machine shop at those times?

A I would like to do it but I'm not sure of these things.

Q All you can testify to is that you had a peak of bout 45?

A I would say so.

Q And that you hired employees in the period September through December, 1963?

A I believe that's true. I know we had a hiring period.

of this. You have to remember that I had what I considered enough work for a drillpress -- for a top man in the drillpress department for, let's say, the next six or eight months.

You had to put a man there that I knew would do the job and continuously do the job. I had such a man. And Anthony --

Q Was that Tony Orlando that was such a man?

A Yes, he was perfectly satisfied and did a fine job. This does not take anything away from Mr. Wolf. And it was based on the fact - today if I would be asked, I would say I made a wise decision, sir, because I did go through a year of troublefree operation in the drillpress department with a man who is happy and doing the job and is not desirous of creating a vacuum for meto go somewhere else.

Q Did Mr. Wolf say he wanted to go somewhere else?

A Yes, sir.

Q Where did he say he wanted to go?

A He wanted togo to the grinding department and I would like, also, to point out that one of the top machines which requires a lot of experience and a lot of knowledge is a jigborer and Mr. Wolf, who I told specifically he didn't have enough experience for me to put an $85,000 machine in his hands, wanted to run a jigborer.

on this -- I object to this.

TRIAL EXAMINER: We have been over this several times.

MR. LEINER: I would like to get this answer.

TRIAL EXAMINER: We have been over this three times.

MR. LEINER: Not with regard to Mr. Orlando.

TRIAL EXAMINER: Well, where have I been?

MR. LEINER: I just wanted to ask him whether he thought Orlando was an all-around better mechanic than Mr. Wolf?

MR. LYONS: I object to that question as not relevant to this hearing.

TRIAL EXAMINER: Can you answer that question, Mr.Mancini?

MR. LYONS: There was no foundation that Mr. Wolf was an all-around mechanic in the machine shop at all. Just the opposite.

TRIAL EXAMINER: Did you consider Orlando to be a better all-around man than Wolf?

THE WITNESS: I never considered Mr.Orlando or Mr. Wolf as being all-around machinists at any time that they were in the shop, sir.

MR. LEINER: Very good. Very good.

Q Did Mr. Ackles ever consult with you with regard to whether Mr. Orlando was considered by you to be a good

such like an automotive plant where there is that much work and it goes consistently. We vary the workloads.

TRIAL EXAMINER: You pursued that far enough.

Q In April 1964, did you commence hiring machine shop employees?

A Yes, sir.

Q Do you rememberhow many you hired?

A I don't recall how many, sir, because, specifically, I don't hire them.

Q Well, they come into your shop, don't they?

A For an interview.

Q Then they work in your shop, don't they?

A Yes.

Q Would it be more than two?

A I believe so.

Q Would it be more than five? Well, would it be more than nine?

A I would say so.

Q More than nine?

A I would say so.

Q You hired these commencing in April 1964?

A To the best of my knowledge, what you say is reasonable.

Q Ywu testified, I believe, that you were in a prototype of operation in the spring of 1964, is that correct?

A Yes, sir.

Q Were you at that time finished with the 31 Drone order?

A I believe so.

Q And were you working on the 100 Drone order?

A THat's true.

Q And were you already given the 186 Drone order?

A May I explain something?

Q If you know. Yes or no.

TRIAL EXAMINER: How many men are involved in the machine shop here in your case, Mr. Leiner, two?

MR. LEINER: Two.

TRIAL EXAMINER: That's what I thought.

Go ahead.

THE WITNESS: Would you ask me again?

MR. LEINER: Read it back, please.

(Question read.)

A I don't know about orders. I'm telling youabout the work assignments. I get them -- it has nothing to do with the contract. I was sure we were into the 100 work order for the shop.

Q On which contract, the 100 Drones or 186 Drones?

A I'm not sure. But can I explain something?

Q Anything you want, Mr. Mancini. Anything you want.

A Hard tooling is consistent with production and I

will you please?

I don't want to hear anything more about that. I make that plain.

If you have a new line of questioning, you go to it.

Q Was Mr.Wolf considered by you to be a good employee?

MR. LYONS: I object to the question.

MR. LEINER: I abandoned Kargauer and I go to Wolf.

TRIAL EXAMINER: I don't want you to go to Wolf.

Is that plain enough?

You covered the situation thoroughly. You tried it out. You've milked it dry.

MR. LEINER: The record shows they were terminated for lack of work and here we run into a situation where they were terminated practically for cause.

I don't understand it.

TRIAL EXAMINER: Don't argue your case to me. Follow my ruling.

MR. LEINER: Yes, sir.

I don't want to abuse your ruling but I want to ask him when -

TRIAL EXAMINER: You better not.

MR. LEINER: I will ask you then. I don't want to run afoul of it. When did Kargauer perform the two jobs, one on the gimbel and one on the pitch horn that had to

be re-worked?

MR. LYONS: I object to the question.

TRIAL EXAMINER: I'll allow it.

When did he do these two particular jobs? That's the last question on that point.

A From my memory, I would say within four months of his termination, to the best of my memory.

Q Did you tell him if he continued this type of work, he would be terminaed?

A Mr. Kargauer was told.

Q That he would be terminated if he continued this type of --

A No, I did not.

Q What did you tell him?

A I told him that he -- that we had a situation where we cannot afford to do re-work. That when a number of hours is put in on the job, the number of hours are expected to result in completed work.

I told him that this certainly is an unhappy situation and I used it in my judgment to determine this man's ability to stay with us.

Q Was this conversation that you are talking about when you told this to Mr. Kargauer before or after the conversation when you discussed the union, when you were standing by his machine?

MR. LYONS: That was not his testimony. I object to it, to that statement by counsel.

TRIAL EXAMINER: I'll sustain the objection.

Q Did you tell the employees of the Gyrodyne Company's machine shop in the year 1964 that there was 18 months' work in the machine shop?

A No, sir.

Q How many speeches did you make to the employees of the machine shop?

A Two.

MR. LYONS: May I have a time fixed?

MR. LEINER: I have -- I was just about to do that. Thank you.

Q When was the first speech?

A I would say at the completion of the 100 ship, going into the 186.

Q Would that be around February of 1964 or January of 1964?

A Could be.

Q When did you make the second speech to the machine shop employees?

A I would say around April or May of 1964.

Q What did you tell them in the first speech?

A That we had started a new contract and that we had done work orders -- well done on the last one. And that

This is part of the function of that leadman. It is to be given the assignment and then collect the necessary support data that's needed to put the job into operation.

Q What is the other part of the leadman?

A Part of the leadman's job is to set -- in most cases is to set the job up and to see that the first piece is a good piece. Not in all cases, but in many cases.

A I think you testified that Joe Hans became an assistant foreman -

MR. LYONS: There is no claim of anyone Joe Hans in this complaint or having to do with the termination of Kargauer and Wolf.

TRIAL EXAMINER: Yes. I sustain the objection.

MR. RUBENSTEIN: I except.

Q These departments, were they only on the day shift or also on the night shift?

MR. LYONS: I object to this as immaterial and irrelevant.

TRIAL EXAMINER: Mr. Rubenstein, I'm not going into the set-up of the departments any more in the machine shop.

MR. RUBENSTEIN: I except strenuously.

TRIAL EXAMINER: You may except all you want to. You have an automatic exception.

P R O C E E D I N G S

TRIAL EXAMINER: On the record.

LOUIS ALFIERI

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Lyons) What is your name, sir?

A Louis Alfieri.

Q Would you speak loudly enough so that I can hear you over the noise of the air conditioning, Mr. Alfieri?

A Yes, sir.

Q Where do you live, sir?

A 6 Andam Way, St. James, New York.

Q Who do you work for?

A Gyrodyne Company of America.

Q How long have you worked for them?

A Six years and three months.

Q What job do you have now?

A Supervisor of receiving, shipping and traffic.

Q What was your job in the spring of 1964?

A The same.

Q What did you do before you came to work for Gyrodyne?

A New York City Policeman, Retired.

MR. LEINER: Mr. Examiner, I don't mean to correct the witness, but is he saying that Galvani had greater or lesser seniority than Spicer?

TRIAL EXAMINER: Lesser, I take it.

THE WITNESS: I'm sorry, he had more. He had more time.

Q In the spring of 1964, early spring, did you also have a man named Richard Waltz?

A Yes, sir.

Q Did he work under you in the motor pool?

A No, sir. He was a material handler .

Q Was that under your direction?

A Yes, sir.

Q In relation to the motor pool, will you tell us what the duties of the people that you just mentioned were in the spring of 1964?

A Pick-ups and deliveries to various vendors throughout the Metropolitan area and also the picking up of Navy personnel to and from airports.

Q Did there come a time in the spring of 1964 when the cost reduction program was going on at Gyrodyne?

A Did there come a time -- I didn't follow your question.

Q That there was a cost reduction program going on at Gyrodyne in the spring of 1964?

A Yes, sir.

Q Mr. Alfieri, in connection with the vendors of Gyrodyne, was there a change in the method by which the vendors supplied material to Gyrodyne?

A Yes, sir. There was. At that time I believe we had lost the cost plus contract and we were in at that time what is known to me as a fixed price contract, and due to the change of contract, the vendors' responsibilities were and are still today to ship all their freight fob plant, St. James.

Q How did that affect the work of the motor pool and the drivers?

A Well, I would say that there was a drop of or a slack, a lack of work, I would say about 65 per cent of work, the workload.

Q In the motor pool?

A Yes, sir.

Q As a result of that, did there come a time that certain drivers were eliminated?

A Yes, sir.

Q You as the foreman, did you speak to anybody or did anybody speak to you regarding these lay offs?

A Yes, sir. Mr. Caliendo, my supervisor, and I, went over the workload that had fallen at that time, and I recommended that the three drivers would be re-interviewed

and recommedned for transfer ---

Q Which trhee drivers?

A Edward Galvani, Peter Roman and Dale Spicer.

Q Why did you recommend that they be re-interviewed for possible transfer?.

A Well, my work did not permit me or the workload, let's say, was not as heavy as it was in the past.

Q Why did you pick Galvani, Roman and Spicer as contrasted to McMillan and Masterson?

A Well, they were the junior in length of service that they had.

Q You had a conversation, you say, with Mr. Caliendo, concerning these men, is that right?

A Yes, sir.

Q And then did you have a conversation with the men concerning their lack of work in the motor pool and possible transfer to other departments?

MR. LEINER: Mr. Examiner, I object to the leading.

TRIAL EXAMINER: Try not to lead.

Q Did you or did you not have a conversation with the men Galvani, Roman and Spicer concerning the lack of work in the motor pool and their possible transfer to other departmennts?

A Yes, sir.

MR. LEINER: Same objection.

TRIAL EXAMINER: No, I'll let it go. It is a preliminary question.

Q All right. Would you tell me what the conversation you had with Mr. Galvani, if any --

A Yes, sir. The conversation that I had with Mr. Galvani was about the workload that had dropped at that time, would he be interested in a transfer to another part of the plant, and he said yes.

So I sent Edward Galvani to Mr. Pete Ackles to be re-interviewed and to ask Peter, that is, Pete Ackles, if he had a job for Edward Galvani.

The interview was granted. The result of the interview I do not know.

Q Do you know whether he also had an interview with Mr. Caliendo and Mr. Avisano?

A Yes, sir.

Q In any of your conversations with Mr. Galvani, did you have any conversations with him concerning union activity by Mr. Galvani?

A No, sir, I had no --

Q Did you have a conversation with Mr. Roman at this time about lack of work?

A Yes, sir.

Q By the way, Mr. Roman was employed by the City of New York also, is that correct?

A Yes, sir.

Q He retired?

A Retired Fire Lieutenant,yes, sir.

Q Tell the Trial Examiner what your conversation was with Mr. Roman at this time.

A Well, I asked Pbte Roman if he was interested in another job or any job and he said, his reply was that "I'm not interested because I'm going to Florida and I won't want to make a career of any job here in this plant."

Q And therefore, you didn't send him to see anybody, is that correct?

A No, sir. That is correct.

Q Did he go to Florida?

A Yes, sir, he went to Florida.

Q Will you tell us what your conversation was with Mr. Spicer, if any?

A I spoke to Dale Spicer about a job in the shipping department, which was next door to us, and he said yes, I will give it a try, and for about two weeks prior to the lay off, Mr. Spicer was shipping small commercial packages.

Q Who was that under?

A He was under me but just temporarily assigned to -- on trial basis.

Q Do you know if he had an interview with anyone in

the plant as a result of the conversation with you?

A Mr. Spicer was also interviewed by Mr. Caliendo and Mr. Ackles and Mr. Mancini.

Q I just want to get to some testimony that Mr.Roman gave, and as a preliminary question, I'm going to askyou, did Mr. Roman ever, in your presence, ask anyone to sign union cards?

A No, sir.

Q DVd you ever discuss the union with Mr. Peter Roman?

A No, sir.

Q And you saw him every day, is that right, Mr. Alfieri?

A Yes, sir.

Q I'm going to read some of the testimony at page 131 of Mr. Peter Roman and I'm going to ask you if you recall it.

MR. LEINER: Objection. If he is going to ask him if he recalls the testimony -- I don't believe the witness was in the room.

MR. LYONS: The happening of the incident.

Q "Question: Was anybody else present when you offered the cards to McMillan and Masterson?

"Answer: Yes. The other two drivers and our supervisor, Louis Alfieri was in the general vicinity.

"Question: How far away was Mr. Alfieri when you

offered the cards to Masterson and McMillan?

"Answer: About five feet."

Do you ever remember that Mr. Roman ever offered cards to Masterson and McMillan when you were five feet away from him?

A No, sir.

Q Now at page 133, I'll read one question and answer and ask you whether this occurrence happened.

"Question: Mr. Roman, did you on more than one occasion offer McMillan and Masterson cards in the presence of Mr. Alfieri?

"Answer: Practically every morning we worked."

A No, sir.

Q You knew a man named Richard Waltz, is that right?

A Yes, sir. He was under my jurisdiction.

Q When did he first come under your jurisdiction?

A At the time of his employment. I don't remember the date now. Richard Waltz came to Gyrodyne around November, 1963. He was hired as a material handler.

Q What is a material handler?

A A material handler's responsibility is to move freight from the receiving department to various departments throughout the plant. And he was also the operator of the forklift. And that's it.

Q And where did he operate the forklift, in what

vicinity?

A At the time that he was operating the forklift for me, we were in Building No. 8.

Q Was he around that building with this forklift?

A Oh, yes, sir.

Q Would you tell me whether you had any female employees in that vicinity?

A Yes, sir. I had three female typists and next door, which is a partition like this, there was three females in there; within an area of 20 x 40, we had five females.

Q Would you tell us what happened regarding Mr. Waltz and his conduct from the fall of 1963 up until some time in the spring of 1964?

A Richard Waltz was a very good worker but he used an excessive amount of profanity while doing his work.

Q Well, you, as a policeman -- what borough were you brought up in?

A Brooklyn.

Q And you were a policeman in Brooklyn?

A Yes, sir.

Q And as such, when you were growing up and as a policeman, were you familiar with profanity?

A Yes, sir.

Q Well, would you describe whether Richard Waltz' profanity was the type that you had been used to or was it

in excess of that?

MR. RUBENSTEIN: I object to such a question.

MR. LEINER: I do not joinin the objection.

MR. RUBENSTEIN: The comparison of profanity.

TRIAL EXAMINER: I'll permit an answer.

Q Would you describe his profanity to me?

A May I use the words?

Q Sure.

A He would use, you would ask him to do something and his reply would be, "Oh, fuck it."

Q Would he say this in a quiet way or was it loud --

A Unfortunately the man was loud and boisterous.

Q Was this in the vicinity of the females?

A Yes, sir.

Q Would you have occasion to talk to him about it?

A Yes, sir. I would warn him and admonished him several times about the use of his profanity.

Q And finally, in early spring of 1964, did you take some steps concerning Richard Waltz?

A Yes, sir. I had no other alternative but to take the immediate action that I did. I immediately went to see my supervisor and called his attention to the use of the profanity that was used by Richard Waltz in the area and presence of female employees and other employees that were around that area. And Mr. Caliendo at the time thought

A Yes, sir.

Q You testified, I believe, that Mr. Waltz was a very good employee?

A He was a good worker, yes.

Q In what ways was he a good worker?

A Well, work that was assigned to Mr. Waltz, he would do it in an excellent manner.

Q Did you ever compliment him on the quality of his work and the quantity of his work?

A Oh, yes.

Q You did?

A I did. I recommended three increases.

Q Did he get them?

A Absolutely.

Q Now, he was first employed by the company in or about the fall of 1963 as a materials handler?

A Yes, sir.

Q When was the first raise, do you recall?

A They were three or four months later.

Q And the second raise?

A Perhaps seven months later.

Q And the last raise?

A The early part of '64, which is customary. At that time, it is reviewing time.

Q I ask you to re-think that, Mr. Alfieri. If the

WARREN HAUCK

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Curley) Mr. Hauck, would you give the reporter your full name and address?

A Warren Hauck, 11 Nassau Avenue, St. James.

Q Mr. Hauck, by whom are you employed?

A Gyrodyne Corporation of America.

Q How long have you been employed by that company?

A In my 7th year now. It will be eight years in February.

Q And do you have a title, sir?

A I'm assistant foreman in receiving inspection department.

Q Is that receiving mechanical inspection?

A Receiving mechanical inspection. It includes tool and gauge.

Q How long have you been assistant foreman?

A Approximately two and a half years.

Q In the period January through June 1964, to whom, if anybody, did you report?

A To Groff Ward.

Q I notice that you are wearing what appears to be an identification badge in your lapel pocket. And it is

colored green. Is that the badge you customarily wear in the plant?

A Yes, constantly.

Q Have you ever worn a red badge?

A No, I have not.

Q Now, willyou describe what yourduties are in a general way in the receiving mechanical inspection department?

A Well, the duties generally are to supervise the inspection and movement of parts that come into the plant, parts and material that come into the plant.

Q Are you paid on a salary or an hourly basis?

A On a salary.

Q How long have you been paid on a salary basis?

MR. LEINER: Mr. Examiner, we were under an admonition from you to keep the record as short as possible. It has already been conceded that Mr. Hauck is a supervisor, I believe, in the mechanical inspection department.

I don't think we need more testimony on that unless it is relevant to the discharges herein.

MR. Curley: May I be heard on that, Mr.Examiner?

TRIAL EXAMINER: It is not necessary. I would like to know what his duties are.

THE WITNESS: Can I hear the question?

TRIAL EXAMINER: I don't believe there is a pending question.

Q When did you -- you stated you are a salaried employee, is that correct?

A Yes.

Q When did you first become a salaried employee?

A Approximately three years ago. Two and a half to three years ago.

Q Was that at the time you received the title of assistant foreman?

A I was acting in the capacity before I received the title actually. It is approximately that time. Slightly before.

Q Prior to that time, however, you were on an hourly basis?

A Yes, sir.

Q Will you tell us exactly what your people do, the people in -- under you, in regard to material that is received in the Gyrodyne premises?

A Material made by other vendors, our subcontractors or raw material being received comes into the plant. It is the duty of the people in my department to inspect this material for compliance to blueprint specifications and purchase order and make out necessary reports as to the compliance to the specifications, report discrepancies found and to see that the material is routed to the stock room or the MRB area, which is material review board

hold area, or to the next operation, whichever happens to be applicable in the case.

Q Could you tell me to the best of your recollection and confining yourself to the period of January through June, 1964, how many people you had under you in your function?

A Approximately 24 people. Somewhere in that vicinity.

Q Can you tell me what the complement of your staff is at the present time?

A 14 people.

Q Have you hired anybody or has anybody been hired to work for you in the past year?

A No.

Q Have you had any resignations in the past year or separations from service or other reasons?

A Yes. I have had one resignation.

Q Has that person been replaced?

A No. He has not.

Q Will you tell us who the leadmen were in the period--in your department in the period of January through June, 1964?

A Yes. Tom Bousquet. Roland Bacchus. Bernie LeBrun and Charlie Zaikas, I believe was not a year ago. Ed Zaikas as a leadman - well, I was trying to determine when he resigned. It was within this period after the date

specified, so he was at that time a leadman.

Q Do your people and yourself work in a limited geographical area?

By that I mean, are they confined to one seciton of the plant generally?

A Yes, the department is confined to one part of the plant.

Q Can you give me in a rough way the physical dimensions of the area in which you work?

A I'd say it is an area perhaps 60 feet x 70 feet.

Q And is that area cleared or are partitions in various intervals in the area extending from the ceiling to the wall?

A No. Limited. We have an air conditioned clean room in which the tool and gauge inspection is performed. This is the only actually enclosed-in area. The rest is limited partitions and actually open on two sides, fully open on two sides.

Q How big is the air conditioned space?

A THat would be approximately 40 feet x 15 feet.

Q Can you tell me whether or not the leadmen whose names you have mentioned during the period January through June '64 were salaried or hourly-rated employees?

A Hourly rated.

Q Did they punch time cards?

A Yes.

Q Did they have the power to hire?

A No.

Q Fire?

A No.

Q Assuming an employee presented a grievance to a leadman, how would that be handled?

A The leadman would pass the grievance on to me as far as what the grievance was.

Q Would you handle the disposition of the grievance?

A In some cases I could handle the disposition. In others, I would refer it to a higher authority.

Q Dwd the leadmen have any authority to dispose of a grievance presented by an employee?

A No.

Q Did the leadmen have the authority or the power to lay off a person?

A No.

Q Did the lead men have the authority or power to grant overtime to an individual?

A No.

Q Turning to the disciplining of an employee when necessary, will you tell us what the procedures there would be?

A It would take the form either of a verbal reprimand

by perhaps myself or somebody higher than myself, or if the seriousness warranted it, there would be a written form which in Gyrodyne happens to be a combination either -- it could be used as a reprimand form or as a recommendation for praise due to good work. This would be a written reprimand, those two forms.

Q How is work assigned in the mechanical receiving inspection department or how was it assigned in the period January through June, 1964?

A We have a dispatch area where the material to be inspected is held and the work is assigned on a first-in-first-out basis, other than those jobs which are considered to be priority jobs and they then, of course, take precedence over the other jobs.

Q Does the leadman assign the work to the individual employee?

A Upon being told to do so by myself, he could assign work to an employee.

Q He acts as a conduit for your wishes in the assignment of work?

A Yes.

MR. LEINER: Mr. Examiner, I don't know if it is entirely necessary but General Counsel does not plan to be bound by Mr. Curley's statements of conclusions of law and similar statements with regard to conduits and so forth.

you asked a question as to their activities and I would like to follow it up to have a clearer picture of how the system works there.

I except to your ruling, Mr. Examiner.

No further questions.

TRIAL EXAMINER: I didn't rule on anything. I just told you how I felt about this repetition. I have indicated to you that I won't permit too much of it. I can see no point in going over the same material.

MR. RUBENSTEIN: Does that mean that he may answer' the question I ask subject to your further stopping me in the future, if I continue --

TRIAL EXAMINER: All right, put your question.

MR. RUBENSTEIN: Can you find the question and read it back?

TRIAL EXAMINER: Oh, I think it was --

MR. LEINER: Did they have a particular assignment of personnel to each -

TRIAL EXAMINER: -- to each one of these leadmen.

MR. CURLEY: Can we set the period for that?

TRIAL EXAMINER: From January to June, 1964, did you assign -- did the leadman, rather, you having had given the assignments to the leadman, did the leadman in turn assign the work to particular individual?

MR.RUBENSTEIN: May I make myself clearer to the

witness, if you permit me.

TRIAL EXAMINER: All right.

Q Was a leadman responsible for a certain number of people in the department so that you know who is responsible for whom?

A Yes.

Q Each one had a few people that you knew that he would supervise?

A Yes.

MR. RUBENSTEIN: That's all.

MR. CURLEY: I have no questions.

TRIAL EXAMINER: Thank you, Mr. Hauck.

You are excused.

(Witness excused.)

MR.CURLEY: May I have a minute to get another witness?

TRIAL EXAMINER: Yes.

(Short pause.)

FRANK LOGANZO

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Curley) Would you give the reporter your full name and address, Mr.Loganzo?

A Frank Loganzo, 15 Carl Street, Lake Ronkonkoma, New York.

Q Mr.Loganzo, by whom are you employed?

A Gyrodyne Company of America.

Q How long have you been employed by that company?

A I'm on my sixth year now.

Q Do you have a title?

A Assistant foreman.

Q How long have you been assistant foreman?

A I believe it was January '63.

Q Are you salaried?

A Yes.

Q In your shirt pocket, is that green badge the official company identification badge?

A Yes.

Q Have you always had a green badge?

A Yes.

Q Would you describe your function as an assistant foreman at Gyrodyne?

A Well, I have a few areas. One is the machine shop inspection area.

MR. LEINER: May we have a date on this? Is that now or back in '64?

Q In the period January through June 1964, will you describe your functions as an assistant foreman of

Gyrodyne?

A January '64?

Q Through June '64.

A Oh, through June '74. I had the machine shop inpection area and the wood blade shop manufacturing area whereas naturally we perform the inspection of machine parts that were manufactured by the Gyrodyne machine shop and in the wood blade shop, the inspection of the wood blades that were manufactured in the wood blade shop,also at Gyrodyne.

Q Was it tothose two area, the machine shop inspection and the blade shop inspection that your authority extended?

A Yes.

Q And who did you report to, Mr. Loganzo?

A Groff Ward at the time.

Q I am going to read to you a portion of the testimony that was given at this hearing by a Mr. Bohler and I ask that you listen to it very carefully, please.

Beginning at page 575, line 17. Mr. Leiner is asking the question:

"Question: Would you tell the Trial Examiner what this incident was?

"Answer: Carl" --

That's referring to Carl Schmidt; doyou recognize

Mr.Loganzo ever advised Mr. Reed that anything will happen or something would happen to anybody who talked union or joined the union.

MR. LEINER: This is just Mr. Reed's opinion.

MR. RUBENSTEIN: Why don'tyou bring Reed on?

TRIAL EXAMINER: I think it is probably a proper question.

MR. RUBENSTEIN: I move to strike the answer and the question.

TRIAL EXAMINER: I'll let it stand.

Q Mr. Loganzo, were you aware that there was an organizational campaign going on, conducted by the UAW, from January 1963 through June of 1964?

A I heard of it, yes.

Q DId you observe pamphlets being given out during that period?

A Yes.

Q Did you yourself receive pamphlets?

A Yes.

Q Would you tell us whether or not there were many pamphlets in the plant?

A Yes. As a matter of fact, I wouldn't say every work bench but there were quite a few workbenches where you would find one or two that had been read by various employees which just laid there. Nobody said to get rid

of them. They may have just been thrown out at night from the sweepers. But no one ever moved not to have them laying around.

TRIAL EXAMINER: Did you ever see any of these pamphlets distributed?

THE WITNESS: Yes, sir. At the gate.

TRIAL EXAMINER: So I would assume -- they were distributed only at the gate so the pamphlets you saw within the plant would be the ones that were handed to employees at the gate?

THE WITNESS: Yes. But sometimes they issue them when they went out and sometimes in the morning when they come in. And the ones that were issued in the morning were the ones that were in Gyrodyne on the tables.

TRIAL EXAMINER: Did you ever see anyone distributing any of these leaflets or pamphlets within the plant itself?

THE WITNESS: No, sir.

Q Did you, during this period January through June, 1964, Mr. Loganzo, were you ever aware that any employee was a union member or engaged in any sort of union activity?

A No, sir.

Q Did you ever question any employee about whether he had signed a card or attended a union meeting?

should have been General Counsel's 30.

TRIAL EXAMINER: Very well.

MR. RUBENSTEIN: Mr. Trial Examiner, I said before that I have a motion to come up before you and I asked whether Mr. Lyons would be here because it affects him.

I think in view of the fact he is not here yet, I will hold it off until he comes, at which time I will make the motion.

TRIAL EXAMINER: As you choose.

DIRECT EXAMINATION

Q (By Mr. Curley) Mr. Balch, would you give your full name and address to the reporter?

A Elton Balch. 84 E Street, Middle Island, New York.

MR. CURLEY: Mr. Trial Examiner, I would like to call to your attention the following: There has been an individual referred to both in the complaint and throughout the testimony of certain of the General Counsel's witnesses as Alwood Belch. The company has no such individual on its payroll. However, Mr. Balch, as he will testify, is a leadman in the blade shop and we are assuming that the present witness is the party which has been continuously referred to as Alwood Belch.

MR. LEINER: I take it the Trial Examiner would also note that the name Alwood Belch appears in the subpoena duces tecum which was heretofore --

Gyrodyne?

A August 21, 1961.

Q And in what department were you in at that time?

A Maintenance.

Q How long did you remain in maintenance?

A Until April '62.

Q And at that time you went to another department, I suppose?

A Yes.

Q What was that department?

A Security.

Q And from there, did you go to still another department in Gyrodyne?

A That's right.

Q What department was that?

A Blade shop.

Q When did you arrive there?

A January '63.

Q Are you still connected with the blade shop?

A Yes, I am.

Q And what is your function in the blade shop?

A I'm leadman in the routing room.

Q Mr. Balch, I notice that you have clipped to your shirt a red identification badge, is that correct?

A That's right.

Q Can you tell me when that badge was issued to you by Gyrodyne?

A In June of '62.

Q Is that while you were in security?

A Right.

Q Does anybody else in the blade department have a red identification badge?

A Not that I know of.

Q Does Bill Dennis have one?

A No.

Q Who is Bill Dennis?

A He is the blade shop foreman.

Q Your testimony is that you were leadman in the routing room.

Are you paid on an hourly rate or a salary rate of pay?

A Hourly rate of pay.

Q Will you describe for us briefly the functions of the routing room?

A The routing room, you get the molded half of the blade from the autoclave and we put it in the routing molds. It is rough-routed and the ribs are fitted and bonded in. Then it stays in the routing mold overnight. The following morning we finish routing. We put in the air vents, the tip brake rod cavity and then it is taken out

of the mold, routing mold, and the two halves are put together in a contouring mold. The blade then is rough-contoured and it is taken and put in the bonding molds and the two halves are bonded together.

After the two halves are bonded togheter, it is taken out and finished -- finish-contoured.

That's the end of the routing operation.

Q And the finish-countour is the end of the operation in the routing room, is that correct?

A That's right.

Q From the routing room, where does it go?

A It goes to hand-finishing.

Q You testified that Bill Dennis was the foreman in the blade shop --

A That's right.

TRIAL EXAMINER: What was the name?

MR. CURLEY: Bill Dennis. D-e-n-n-i-s.

Q Would you describe for us roughly what the outside dimensions of the entire blade department are in terms of feet?

A THe outside?

Q How long is it and how wide is it?

A Oh, I would say 60 x 100.

Q Does Bill Dennis have a desk?

A Yes, he does.

Q And is that desk located inthe front, middle, or rear of the blade department?

A It is located in the front.

Q And from where Mr. Dennis' desk is located, is it possible for a person to view the entire area of the routing room?

A Yes.

Q And people that work in the routing room can at all times see Mr. Dennis while he is seated at his desk, is that correct?

A That's right.

Q Do you have a desk?

A No, I don't.

Q Do you have a telephone?

A No, I don't.

Q Does Mr. Dennis have a telephone?

A Yes, he does.

Q How much of your time is devoted to production work?

A A hundred per cent.

Q Do you have the authority, Mr. Balch, to hire people?

A No, I don't.

Q Do you have the authority to fire people?

A No, I don't.

Q Can you transfer a man from the routing room to the final finishing department or to the autoclave section?

A No, I can't.

Q Let's assume one of the people in the routing room does not show up for work, consequently, the function is undermanned; what do you do?

A I report it to Bill Dennis.

Q And ordinarily, what action does Mr. Dennis take?

A He comes in and helps us or assigns a man to help us.

Q Are you telling me that Mr. Dennis at times works along with you and the other rank and file employees in your area?

A Yes, he does.

TRIAL EXAMINER: Is Morel in your department?

THE WITNESS: Yes, sir.

TRIAL EXAMINER: Is Southworth in your department?

THE WITNESS: No, sir. They are in the blade shop, sir. They are actually not in the routing room.

Q Can you discharge an employee?

A No, I cannot.

Q Assume an employee has a grievance. How is the thing generally handled or ordinarily handled in the blade shop?

A This man is usually taken to Bill Dennis or sent to Bill Dennis with his grievance.

Q And Mr. Dennis disposes of the man's grievance one

way or the other, is that correct?

A That is correct.

Q Doyou have the power to adjust or dispose of any grievance of any employee in the routing department?

A I do not.

Q In the event an employee misbehaves or deviates from practice, is there any action that you can take on your own?

A No, sir.

Q What do you do in such cases?

A I report it to Bill Dennis.

Q What does Mr. Dennis do according to how you have observed him do it?

A He observes the man himself or he takes action as he sees necessary.

Q Are you suggesting that Mr. Dennis conducts an independent investigation?

A Yes.

MR. LEINER: Mr. Examiner --

TRIAL EXAMINER: I don't quite follow this testimony.

MR. LEINER: He is suggesting things to the witness. That's my objection. The witness is capable of testifying.

If you will just read back the question Mr. Curley

asked, are you suggesting. I think Mr. Curley is doing the suggesting.

TRIAL EXAMINER: The previous question, Mr. Reporter, please.

(Question read by the reporter.)

TRIAL EXAMINER: Do you move to strike?

MR. LEINER: Yes, sir.

TRIAL EXAMINER: Motion granted.

Rephrase your question.

MR. CURLEY: Just the last question was stricken?

TRIAL EXAMINER: Yes.

Q Does Mr. Dennis accept your word in regard to any employee's possible misconduct or practice or deviation of practice?

A No, sir.

Q Do you have the power, Mr. Balch, to grant overtime to employees in the routing room?

A No, sir.

Q I notice that you are wearing work shoes and army fatigue pants and a sport shirt. Is that the way you are customarily dressed in the summer time in the routing room?

A Yes, sir.

Q Would you describe how the other employees in the routing room are dressed at this time of the year?

A The same way. Most of them wear sport shirts and khaki or dungarees.

Q Doyou have a locker in the plant?

A Yes, I do.

Q Where is that locker located?

A It is located out by the wood storage.

Q Do other people in the routing room who are not rank and file employees have lockers?

A We all have lockers.

Q Where are the other lockers of the rank and file people located?

A Right with mine.

Q Are they of the same size and dimension?

A Yes, sir.

Q Do you use the same rest room as the rank and file people who are not leadmen in the routing room?

A Yes, sir.

Q Do you punch a clock?

A Yes.

Q Do the other employees punch a clock?

A Yes.

Q Can you grant a wage increase to an employee?

A No, I cannot.

Q Referring to the period January of 1964 through June, 1964, can you tell me how many people were employed

in the routing room of the blade shop?

A There wasnine of us.

Q Will you tell me what the current table of strength in the routing room is as of today?

A There is seven of us.

Q Are you familiar with an employee by the name of Bentivegna?

A Yes, I am.

Q Was he at one time an employee in the blade shop?

A Yes.

Q Was he in the routing?

A Yes, he was.

Q And you were his leadman?

A Yes, sir.

Q Now, Mr. Balch, I'm going to read you some testimony that Mr. Bentivegna gave at this hearing on May 27th, and I want you to listen very carefully to it, will you please?

On page, commencing on page 1458, line 10:

"Question: Did you have any conversations with Mr. Belch about the union or union activities?"

MR. CURLEY: You have been continually referred to as Mr. Belch, but we have corrected it to Mr. Balch.

"Answer: Yes.

"Question: What were the conversations and when were

they and where were they? Will you tell the Examiner in a loud voice, please?

"Answer: Well, he often told me if I ever joined the union -- that's when we had coffee in the outer room --

"Question: I didn't hear that answer.

"Answer: He told me if I ever joined the union --

"Question: He told you --

Was this before or after you signed the card?

"Answer: Before and after.

"Question: What did he say to you?

"Answer: He said, "Did you join the union?"

Commencing on page 1459:

"Question: What did you say?

"Answer: No, I didn't.

"Question: Had you signed a card at that time?

"Answer: No. That's before I signed a card.

"Question: Then did he ask you the same question after you signed the card?

"Answer: After I signed the card, he told me, did I go to the meetings or did I sign up for the union yet. I said, "No, I didn't."

Q (By Mr. Curley) Did you ever ask Bentigegna whether he had signed a union card while he was in the employ of Gyrodyne?

A No, sir.

Q Did you ever ask Bentivegna if he had ever gone to union meetings?

A No, sir.

Q Did you ever ask him,"did you sign up for the union yet?"

A No, sir.

Q Now, Bentivegna was one of the men in the routing room, is that correct?

A Yes, sir.

Q You, of course, had occasion to observe his work?

A Yes, sir.

Q Will you tell us very shortly the pace of this man's work?

A He was a very slow worker.

MR. CURLEY: I have no further questions, Mr. Trial Examiner.

CROSS-EXAMINATION

Q (By Mr. Leiner) Mr. Balch, did you work this morning?

A Yes, sir.

Q What time does the day start?

A 7:30.

Q Until what time were you at the Gyrodyne factory this morning?

MR. CURLEY: Mr. Trial Examiner --

TRIAL EXAMINER: I don't know where you are going.

MR. CURLEY: This is interminable.

MR. LEINER: I have no further questions.

MR. RUBENSTEIN: No question.

MR. CURLEY: That's all, Mr. Trial Examiner.

TRIAL EXAMINER: Thank you.

You are excused.

(Witness excused.)

TRIAL EXAMINER: Please mark Mr. Rubenstein's motion as Trial Examiner's Exhibit 3 in evidence.

(Thereupon the document above referred to was marked Trial Exmainer's Exhibit No. 3 in evidence.)

ROBERT P. SOUTHWORTH

a witness called by and on behalf of the Respondent, being first duly sworn, was exmained and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Curley) Mr. Southworth, would you give your full name and address to the reporter, please?

A Robert P. Southworth. 44 Baylor Drive, Smithtown.

Q Mr. Southworth, are you employed by Gyrodyne?

A I am.

Q And you are a resident of Smithtown?

A Yes.

Q Does that growth you have on your face have anything

to do with the Centennial Celebration in Smithtown?

A Yes, it does. They are having their 300th anniversary and it is part of it.

TRIAL EXAMINER: You disclaim being a beatnik?

THE WITNESS: I disclaim it, yes.

It is part of the old-time celebration.

Q How long have you been employed by Gyrodyne?

A Since April of '63.

Q And what department do you work in?

A Blade shop.

Q And are you currently a leadman in the blade shop?

A Yes.

Q When did you become leadman in the blade shop?

A I was tentatively hired as leadman but I made actual leadman three months after my hire.

Q What department of the blade shop are you in?

A Glue lay-up.

Q Will you describe for us briefly -- strike the question, please.

Will you describe for us briefly, Mr. Southworth, how the glue and lay-up department fits into the operations of the blade shop?

A We take the raw material, the wood, and it is cut into the various patterns and sizes, stacked on racks and from there it is taken individually, made into blade

halves in a dry lay-up. Then it is put through a calender machine which applies the glue to these individually-made blade halves.

From there, the glue is dried tack-free on racks and then laid up, put together with staples to hold it until we can get it into the molds, bag-molded and cooked under pressure and heat in an autoclave to bond these laminates together.

Q Is the autoclave function mentioned part of the area in which you work?

A Yes. The blade from the raw material to the bonded half, all goes throughour area. When it leaves as a bonded blade, it leaves our area.

Q Where does it go from there?

A Into the routing room.

Q Is that the place where Elton Balch is the leadman?

A Yes.

Q Mr. Southworth, that is your identification badge at Gyrodyne attached to your shirt, is that right?

A Yes.

Q I notice it is green-colored?

A Yes.

Q Do you punch a time card?

A Yes.

Q Are you an hourly or a salaried employee?

A Hourly.

MR. LEINER: Mr. Examiner, unless it can be tied in that there is some distinctive problem about punching the time clock, I suggest to you that it is irrelevant to this proceeding. Since Mr.Papadakos also punches a time clock.

TRIAL EXAMINER: I'll let it stand.

Q I notice, Mr. Southworth, that you are wearing work shoes and work trousers and a sport shirt.

Is that your customary attire while working during the summer months?

A Yes, this is my customary work clothes for the year round.

Q Do other people in the gluing and lay-up section in which you are the leadman wear the same clothing?

A Yes.

Q How much of your time daily do you spend in ordinary production work?

A A hundred per cent.

Q Do you keep any personnel records?

A No, sir.

Q Do you do any paper work?

A No.

Q Do you have a telephone?

A No.

Q Or a desk?

A No.

Q Do you have authority or power to hire an individual?

A No.

Q Can you fire an individual?

A No.

Q Can you grant overtime?

A No.

Q Can you discipline an employee?

A No.

Q In the event an employee departs from a company practice or custom, what do you do?

A I refer it to Mr. Dennis.

Q What does Mr.Dennis do?

A It depends on the case. He can reprimand or he can take the case entirely into his hands.

Q You cannot fire an employee?

A No.

Q Supposing an employee has a complaint about working conditions and he mentions it to you, what do you do, if anything?

A There again, I refer it to Mr. Dennis if the case warrants.

Q In the event an employee complains about poor

lighting, do you have the authority to write a requisition to the maintenance department?

A No.

Q Do you know who has that power?

A There again, I refer it to Mr.Dennis. Mention it to him. It is part of the job.

Q Can you describe for us how many kind of blade halves are there?

A Four.

Q Would you mention their names, please?

A There is the upper-upper-half. Lower upper-half. Lower-lower-half, and an upper lower-half.

Q How is the quantity of output in your section determined? Excuse me. By that I mean who determines the quantity of output in your section?

A Mr. Dennis.

Q And when does he tell you this?

A The afternoon before so that we can get dry lay-ups made for the next day.

Q What words is he likely to use in telling you the kind and quantity of output to make? Will you give us an illustration?

A Well, for example, this week,the first of the week we were told to lay up 14 blade halves. Now, in laying up the 14 blade halves, we always make pairs. It is

always done in pairs.

Q Is there a time when you don't make the blades in pairs?

A Yes. If we --

Q Can you tell me how that can come about?

A Yes. If we lose a blade half in any area of the shop through spoilage, fault somewhere.

Q This would be at a time after it leaves the autoclave?

A Yes. We have to make up a half to match the previously made half.

Q How do you find out which type of the four types of blade halves to make up?

A Mr. Dennis tells me which one to make up.

Q And he is the sole source of information?

A Yes.

MR. LEINER: Mr. Examiner, I would just like you to note, General Counsel's continuing objection to the form of interrogation of the witness.

The witness testified and then Mr. Curley comes back sort of with a "capper" asthey call it in show business, to put the finishing touches on it in the leading fashion sothat he can get the same answer in a more general form from the witness with just a simple yes or no.

And I just think that it is poor examination and

I think it is misleading the witness.

TRIAL EXAMINER: Go ahead-

Q Do you have any discretion, Mr. Southworth, as to the kind or quantity of blade halves to be produced by the gluing department?

A No.

Q Have you ever had such discretion?

A No.

Q What is the normal daily output of blade halves in your department?

A Now?

Q That is correct, sir.

A lr blade halves.

Q Do you know what the situation was in June of 1964?

A six and eight blade halves.

Q How many employees --

MR. LEINER: What was the date on that? I'm sorry, I missed this. When in '64? Can we have that question and answer read back, sir?

TRIAL EXAMINER: Yes.

(Record read by the reporter.)

Q How many men were in your -- were in the gluing department in June 1964, including yourself, sir?

A Nine.

Q And how many people do you have employed there now?

A Four in our area.

Q Counting yourself?

A Counting myself.

Q Have you had new tooling or machinery coming into your area?

A Yes, we have had new tooling.

Q Do you know when that started to come in?

A The actual months and dates I don't. It was --

MR. LEINER: It is all in R-28. I don't see any reason why we have to go into that through this witness.

MR. CURLEY: All right, we will rely on R-28.

Q (By Mr. Curley) On a daily basis, are the operations performed in the gluing department essentially the same as those performed the day before?

A Very much routine.

Q Do you anticipate that tomorrow's operations will be very much the same in your words as they are today?

MR. LEINER: Objection. Speculative.

TRIAL EXAMINER: Haven't we been all through this with Mr. Ackles and Mr. Caliendo?

MR.CURLEY: We have also gone through it with Mr. Damato, Mr. Trial Examiner.

TRIAL EXAMINER: I thought we had quite a lot of details from Mr. Caliendo and Mr. Ackles on this.

Q (By Mr. Curley) Do you recall --

MR.CURLEY: May I continue, Mr. Trial Examiner?

TRIAL EXAMINER: I don't know why we have to go over the same ground so many times.

Mr. Caliendo explained this operation of the blade shop in great detail.

MR. LEINER: Was it Caliendo or Ackles?

TRIAL EXAMINER: Mr. Ackles touched on it, too. Both of them.

Q (By Mr. Curley) Do you recall an employee by the name of Robert Reichle?

A Yes.

Q And I am reading from General Counsel's 11 in evidence, who that exhibit indicates was hired on April 27, 1964, and discharged on May 8, 1964, for unsatisfactory work performance.

Do you recall that individual?

A Yes.

Q Mr. Reichle has testified at this hearing on May 17th, Mr. Southworth, and I'm going to read a portion of his testimony and I would ask you to listen carefully to it, please.

MR. RUBENSTEIN: May I, at this time, Mr. Examiner, rise to an objection. I made it a few times but it seems to me that not only is it a waste of time but it is also leading. He reads a full page, tells the witness what was

A Yes.

Q Will you tell us who that man was?

A He was an employee of the blade shop who worked in the glue room with me.

Q Was he an employee who had more length of service than you or less?

A More.

Q Do you know how many months more?

A No, I don't.

Q By the way, who trained you on your job at Gyrodyne?

A Howard Gilbert.

Q Is he there today?

A No,he was about to leave when I was hired.

Q Mr. Damato has testified at this hearing, Mr. Southworth, and I'm going to read a portion of his testimoney to you commencing on page 632.

"Question: When was the conversation?

"Answer: The conversation was shortly after I signed the card in the shop and I says to him,quote"I signe the card and sent it in and if he was smart, he would do th same thing." Close quote.

Did you ever have such a conversation with Mr.Damato?

A No.

Q Did he ever tell you he had signed a union card?

A No.

Q Did he ever tell you he had sent a union card in?

A No.

Q Did he ever suggest to you that you sign a union card?

A No.

Q At any time?

A No.

Q Did you ever know whether or not Mr. Damato had signed a union card?

A Himself?

Q Yes.

A No. It wasn't mentioned.

Q Did you ever know whether or not Mr. Damato had gone to a union meeting?

A No, I had no way of knowing.

Q I'm reading from Mr. Damato's testimony appearing on page 637. Commencing at line 9 -- commencing at line 6.

"Question (By Mr. Leiner): Did you ever invite Mr. Southworth to a union meeting thereafter?

"Answer: Yes, I did.

"Question: Would you tell the Trial Examiner what he said to you?

"Answer: I says to him, "I sent a card in." I said, "You should do the same thing." I said, "It would be smart of you to do it."

"He turned to me and said he couldn't do it, "he had no shoes."

Q Did Mr. Damato ever invite you to a union meeting?

A No.

Q Did he ever say to you, he sent a card in?

A No.

MR. LEINER: I think this has been asked and answered. Am I mistaken?

MR. CURLEY: Mr. Damato testified he did this three times. In the same words, incidentally.

Q (By Mr. Curley) Did you ever make theremark to him, quote: "He had no shoes" or " I had no shoes"?

TRIAL EXAMINER: Did Damato call you a barefoot, backward farmer?

THE WITNESS: I don't know. Actually, I have a background of farming as a manager, foreman.

MR. CURLEY: TXat was a remark he is alleged to have made at a union meeting.

Q Mr. Damato has testified that he initiated a new system of building, -- blade building which increased production.

Did he do anything of that nature?

A He developed a system of building a blade in a shorter length of time, but the quality of the blade was such that he had to be called and shown the poor quality

in the router room and had to discontinue the practice.

Q Are you saying that you got complaints from the routing room about the blades which were built according to Mr. Damato's system; is that correct?

A Yes, the quality suffered.

Q And you discontinued his suggestion?

A Asked him to discontinue.

MR. CURLEY: I have no more questions, Mr. Trial Examiner.

TRIAL EXAMINER: Mr. Leiner.

CROSS-EXAMINATION

Q (By Mr. Leiner) Mr. Southworth --

MR.CURLEY: Excuse me, I do have another question.

Q (By Mr. Curley) Mr. Damato, he was one of the people working in the glue room, is that correct?

A Yes.

Q Would you describe for us -- strike that, please.

Was he -- what was his main function in the glue room during the period of his employment there?

A Well, any employee in the glue room was -- fell into any and all parts of the operation.

Q D Rd he do more lay up work --

A Usually, yes.

Q Would you say the bulk of his time was spent on lay up work?

time for starting to build blades. We looked for 50 or a 55-minute blade. And as a man became accustomed to the lay-ups, which is repetitive all the time, he could better his time as he went along.

Now, blades -- this alleged 17-minute blade, I don't know whether it was done. He said that he did do it. Very possibly he did. But quality suffered when we got down to short lengths of time under 30 minutes, 25, 30 minutes. We have butt joints to make in wood and putting together blades fast, these joints open and inspection can rule down a blade if they are bad.

Now, where quality suffers, we have to ask that the time be cut down so that the quality control can be kept. There are 144 pieces in a blade. So it takes considerable time to put a blade together properly. Even now with the four men, two of us laying up, we are doing 14 blade halves a day plus other work.

TRIAL EXAMINER: Continue.

THE WITNESS: Mr. Damato could work fast or could work slow, depending on whether he wanted to goof off or work.

CROSS-EXAMINATION

Q (By Mr. Leiner) Did you find him to be a goof-off on many occasions?

A On many occasions, yes. In fact, I went to Mr.Dennis

about him specifically about leaving his work area.

Q When was this?

A Oh, on several occasions leading up to the time of his lay-off.

Q When was the first time?

A Actual dates I can't say.

Q Was it 1963?

A No. It would be possibly into '64.

Q In other words, he first started to goof off in '64?

A No. Joe was one -- he could pace himself all the way through. All the way through. But as we were picking up production, it showed more.

Q In other words, as the requirement for blades became greater and greater, his goofing off became more and more evident, is that right?

A Right. As we tooled up and the methods and process of building the blades became better, as we got our methods rolling.

Q So that by June of 1964, is it your testimony that the demand for blades was very great?

A No. It was picking up.

Q In other words, when did it first start to pick up?

A When they started the blade shop.

Q I take it that's a playful answer?

A Vincent G. Reed, 5 Laurie Boulevard, Centereach.

Q Mr. Reed, who are you employed by?

A Gyrodyne Corporation.

Q How long have you been employed there?

A Four years November.

Q Where do you work, in what department?

A The inspection department in the machine shop.

Q Is that mechanical inspection?

A Yes, it is.

Q Who do you work for?

A Frank Loganzo.

Q Do you have a title?

A Yes, I am a leadman.

Q What is Mr. Loganzo's title?

A He is my foreman.

Q The assistant foreman?

A Yes.

Q How long have you been a leadman?

A About three years, sir.

Q You are wearing your Gyrodyne identification bade, and it is green?

A Yes.

Q Is that your Gyrodyne badge?

A That's right.

TRIAL EXAMINER: Mr. Curley, there is some testimony

here the other day concerning the meaning of the color. of the badges. Some were top secret or -- I have forgotten what that was. You mentioned it several times today.

MR. CURLEY: This whole thing became important when Mr- Roman, one of the General Counsel's first witnesses, attempted to attach supervisory status to people on the basis of the colors of the badges they wore, whereas in actuality, it is just a degree of security classification.

TRIAL EXAMINER: That was my understanding.

MR.RUBENSTEIN: I think that we may concede it, so there will be no need of questions. I think it is clear now that the green badge is non-security and the red badge is security. You dont have to ask these questions.

Q Mr. Reed, are you familiar with a former employee or do you recall a former employee who was a mechanical inspector by the name of Edward W. Hurley?

A Yes, I am.

Q Do you know that he has testified at this hearing?

A Yes, sir.

Q Now, I refer you to his testimony. I'm going to read a portion of it to you and ask that you listen carefully to it.

The testimony commences at the bottom of page 1386 and reads as follows:

"Question: Who did you discuss it with?

"Answer: Vinnie Reed.

"Question: Who is Vinnie Reed?

"Answer: My leadman.

"Question: Who is Vincent Reed?

"Answer: My leadman in the mechanical inspection.

"Question: What was the discussion and when was it?

"Answer: It was prior to my being laid off.

"Question: When?

"Answer: Two weeks before my lay off.

"Question: What did he say to you and what did you say to him and where did it take place?

"Answer: It took place in the department.

"Question: What department?

"Answer: Mechanical inspection.

"Question: Would you tell the Trial Examiner what he said to you and what you said to him?

Then there is a discourse and we skip to the answer given by Mr. Hurley which appears at the bottom of page 1387 and his answer is:

"Answer: I asked him if he would be interested in seeing the union in the company and he told me that I

better not talk union because if I'm overheard by Frank Loganzo that, you know, it could be serious."

I ask you this question: Did Mr. Hurley ever ask you if you would be interested in seeing the union in the company?

A No, sir, he never did.

Q Did you ever tell him that if he were overheard talking union by Frank Loganzo, that it could be serious?

A I never said that.

Q Did Mr. Loganzo ever tell you that any employee would get in any sort of trouble if he were talking union?

A No, sir. He didn't.

MR.CURLEY: I have no more questions, Mr. Trial Examiner.

CROSS-EXAMINATION

Q (By Mr. Leiner) Mr. Reed, did you go over your testimony here with counsel prior to the time that you just testified?

A We discussed our testimony.

Q You did. Was that today?

A Yes, it was.

Q Was that up in the room here in this motel?

A It was outside on the balcony on the way down.

Q Was Mr.Southworth in the room at the time?

A Mr. Southworth?

deliberate efforts to delay this hearing on anyone's part that I am aware of.

I pay no attention to union propaganda and that sort of thing.

The personal attack against you is just one of those things that happens, I suppose. But as far as I'm concerned, certainly I can't accuse anyone and I disclaim myself any intention to delay the conclusion of this hearing.

On the contrary, I think we are all very anxious to get ahead so let's get ahead right now.

MR. LYONS: I will withdraw my statement regarding any pressing desire on my part to see it continues to a conclusion in view of the conversation I had with your Honor yesterday.

TRIAL EXAMINER: Mr. Lyons, I take full responsibility for the conduct of this hearing, for its adjournment from day to day or for its adjournment for longer periods. It is my responsibility and I meet it as I see it.

MR. LYONS: If I could be excused, Mr. Trial Examiner?

TRIAL EXAMINER: Yes, sir.

WILLIAM G. DENNIS

a witness called by and on behalf of the Respondent, being

first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr.Curley) Mr. Dennis, will you give your full name and address to the reporter, please?

A William G. Dennis. 30 Bay 3rd Street, Islip.

MR. CURLEY: Mr. Trial Examiner, Mr. Dennis was yesterday stricken with a severe attack of bursitis and still is in great pain from that attack and I would like the record to show that.

Q By whom are you employed, Mr. Dennis?

A Gyrodyne Company of America.

Q How long have you been employed there?

A Oh, I'm on the sixth year now.

Q In what department did you work when first employed?

A Machine shop.

Q And where are you employed now?

A Foreman in the blade shop.

Q Foremean is your title?

A Right.

Q Will you tell us, Mr. Dennis, what your duties are on a day-to-day basis?

A Well, I run the complete wood blade shop. I start in the morning by handing out all workloads to the leadmen. Assign them work for the day. Then I put the dry lay-ups to the glue machine about an hour and a half and

then the rest of the time I'm on the floor.

Q Do you personally run the glue machine for an hour and a half in the morning?

A I do.

Q When you say you spend the rest of the day on the floor, do you mean by that you circulate amongst the various sections?

A Any section, if there is a man out in any section, I usually fill in to help out in his spot. If not, I am in and out of every section in the blade shop all day long.

Q How many sections are there in the blade shop?

A Four.

Q In the periodof June - January through June 1964, how many leadmen did you have in the blade shop?

A Four leadmen and one senior leadman.

Q Would you name the leadmen during that period?

A Al Morel was the senior leadman. Bob Southworth in glue and lay-up.

TRIAL EXAMINER: What was the third name?

A Balch. He is in routing. Karmel has hand finishing. And Hans Nielson in final finishing.

Q Do you know what Mr. Morel's title is today?

A He is an assistant foreman.

Q Do you know when he was made an assistant foreman?

A In January of this year.

Q These leadmen, Mr. Dennis, do they have the right to hire employees?

A No.

Q Do they have the right to fire an employee?

A No.

Q Can they transfer an employee from one section to another section within the blade shop?

A No.

Q Who is the only person that can do that or if there are others, who are these people?

A I'm the only one.

Q Do they have a right to suspend an employee?

A No.

Q Does the leadman have a right to discipline an employee?

A No. He brings it to me and I'll check through and watch the guy, whatever it is about, whatever he told me about any one employee, and if I feel it is right, then by checking myself, I'll discipline.

Q Assuming an employee has a grievance, how is that handled?

A Practically the same way. The leadman will come to me and tell me what the grievance is. I check into it. If I can't settle it, then I go to my boss.

Q How much time do the leadmen spend in production work?

A All their times.

Q And how much of your time is spent in and around the blade shop?

A Hundred per cent.

Q Do you have a desk?

A Yes.

Q Do any of the leadmen have desks?

A No.

Q Do you have a telephone?

A Yes.

Q Do any leadmen have telephones?

A No.

Q Do any of the leadmen keep performance records or any personnel records of any sort?

A No.

Q Do you know whether in the period January through June 1964, hte leadmen were hourly or salary-rated people?

A All hourly.

Q In thatperiod, on what basis were you paid?

A Weekly.

Q On a salary basis?

A On a salary basis.

Q Do the leadmen have lockers?

A Everybody who wants a locker has one. We have enough for everybody.

Q Are all these lockers identical in terms of location and size?

A Yes. They are all in one place.

Q Do the leadmen use the same john or toilet facilities as the rank and file employees in the plant?

A Right. All of us do.

Q In regard to a situation where an employee may request time off or part of a day off, how is that done?

A Well, they come to me with it and I have to approve it.

Q Can a leadman approve an employee's request for time off?

A No.

Q Is there a company rule that you are familiar with in regard to emergency situations?

A Yes. They see me and I'll let them punch right out. I don't have to get in touch with anybody.

Q Now, in the period of January through June 1964, would you tell me how many employees you had in the blade shop, including yourself?

A 31.

Q Can you tell me how many employees you have at the present time in the blade shop?

A I have 23 --

Q Including yourself, sir?

A 24.

Q ARe there other -- withdraw that.

Is Al Morel currently working in the blade shop?

A No, I have three men loaned out to the fiberglass blade shop.

Q One of which is Al Morel?

A Right.

Q These three men, do they do any wood blade building or production work on woodblades at the present time?

A At the present time?

Q Yes.

A No.

Q Now, have there been any people hired in the blade shop since July 1st, 1964?

A Nobody.

Q Have any people resigned?

A Yes, we had three resigned,too, and they have not been replaced.

Q They have not been replaced?

A No.

Q Can you give us very briefly, Mr. Dennis, a short account of how the blade shop works, starting from the wood storage room and bringing it around?

A It comes in three flitches or crates of wood and we lay it up on a cutting table, all sorted out, puti- on a cutting table. It is cut to a pattern with an air saw. Out of that, it is made into dry lay-ups.

Then we take it in, glue it up, run it through the gluing machine, then it is stapled together, put in the autoclave, cooked; out of there into the routing room, rough-routed, ribbed, finish-routed and then we rough- route the perimeter of the two halves, bond them together and then they are finish-routed, perimeter.

Then they go in for shoulders, lead weight, epi-bond, nylons. Then re-epied and then they are drilled, the plates bonded on, tip brake assembled. And painted.

Q Mr. Dennis, are there production schedules in re- gard to the number of blades the blade shop is asked to produce?

A Yes-

Q Let's assume that during the period 19 -- January through June 1964, what was the average number of blades the Blade shop was asked to produce during any given week?

MR. RUBENSTEIN: Objected to as an assumption.

TRIAL EXAMINER: No, I think Mr. Dennis can probably tell us that.

MR.RUBENSTEIN: He said let us assume.

TRIAL EXAMINER: I understand the question to be

the number of blades, average number of blades produced in January to June, 1964.

MR. RUBENSTEIN: It starts, let us assume that the average of blades on such and such a week. Will you read the question? I think an assumption is improper.

TRIAL EXAMINER: Let's not assume it then.

Can you tell us, Mr. Dennis, will you please?

THE WITNESS: Yes, sir. We were making three blades a day.

Q Is that the average number of blades in that period I have given you?

A Right.

Q Does that regulate -- that production requirement regulate the flow of work in the blade shop? Does that production requirement regulate the flow of work in the blade shop?

A Right.

Q Now, Bob Southworth is the leadman in the department which is initially concerned with the production of blades, is that correct?

A Yes.

MR. LEINER: Mr. Examiner, I don't want to pain the record or pain you any further, but this is improper examination. This is a foreman of the department. Mr.Curley is leading the witness inall respects, has done so

MR. CURLEY: I withdraw the question.

Q Are you familiar with a gentleman by the name of Peter Bohler?

A Yes, I knew him.

Q Did you work with him?

A He was an inspector in the blade shop.

Q Do you know that he has testified at this hearing?

A Yes, sir.

Q I am going to read to you a portion of his testimony which he gave in this hearing room on May 20th, 1965, and it appears on page 574 and it is his contention that while he was in the employ of Gyrodyne, you said to him, and I'm reading from line 19:

Quote: "If I catch anyone that I know of within the shop that belongs to the union I'd bounce them in a minute."

Did you make that remark to Mr. Bohler while he was in the employ of Gyrodyne?

A Definitely not.

Q Or at any other time?

A At any other time either.

Q Did you speak concerning union matters to Mr. Bohler at any time?

A No, I did not.

Q Do you know an individual by the name of Carl Schmidt?

A Yes.

Q Do you know that he testified at this hearing?

A Yes.

Q I refer you to page -- I read to you from page 1308 of the transcript and I ask that you listen carefully, and he is asked the question by the Trial Examiner appearing on that page at line 22.

"Trial Examiner: What did he say, before we get to that?

"The Witness: Well, in a sort of a joking way, if somebody wanted to -- if they became a union member,there would be no place in the shop for them."

Did you ever make that statement to him?

A I did not to him or to anybody else.

Q Or to anybody else in his presence?

A No, I did not.

TRIAL EXAMINER: Mr. Curley, I don't want to interrupte your train of thought, but there is one thing I would like to have Mr. Dennis clear up for me if he can.

Mr- Dennis, yesterday Mr. Southworth testified and according to my notes, and I could be wrong, he said that during the period surrounding June of 1964, that six or eight blades were produced by nine men, and at the present time, 14 blades are produced by four men.

Is that correct?

THE WITNESS: That is halves in his department.

TRIAL EXAMINER: He is talking about his department only?

THE WITNESS: Right.

TRIAL EXAMINER: When you say three blades now -

THE WITNESS: That's full blades. Complete blades. That would be six halves.

TRIAL EXAMINER: Thank you.

Q In line with that, Mr. Southworth testified yesterday he produced 14 halves a day or laid up 14 halves a day. Is there any cutting done in that department Fridays or laying up?

A No laying up. We cut, though. We have one man that cuts continuously.

Q So that Mr. Southworth then produces 14 halves currently four days a week?

A Right.

Q Did you ever speak to Carl Schmidt about the union?

A Never.

Q Did you ever speak to any employee in the blade shop about the union?

A Never.

Q Do you know Martin Pipia, who, incidentally, is sitting in the hearing room at the moment?

A Yes.

Q Is it true that he was once employed by Gyrodyne?

A Yes.

Q Did you have a conversation with Mr.Pipia outside the blade shop sometime during the spring of 1964?

A I did.

Q Will yu tell us how that conversation came about and who was present and what was said?

A Well, I -

MR. LEINER: May we have a more accurate date on that, Mr. Examiner?

Q Can you give us a more exact date, Mr. Dennis, to the best of your recollection?

A Say the end of May '63.

Q '64?

A '64. I had been out sick. I went home sick on a Thursday. I came back on a Monday and there wasn't enough finished blades and I talked to Al Morel, who was there, and then I talked to Mr. Pipia outside.

As soon as I get him outside the door, the first thing he says to me, "What are you going to do, pick on me now you know I am in the union?"

I told him the union had nothing to do with it. I didn't even want to discuss that. I took him out there because he wasn't giving the company a fair day's work.

Q Was Mr.Morel present at any time during that

Q Did you ever tell anyone that you were out to get Martin Pipia or Damato by reason of their union activities or their attendance at union meetings or anything else connected with the union?

A No, I did not.

Q Now, your testimony here today is that you spend a hundred per cent of your time in and around the blade shop.

MR. LEINER: Mr. Examiner, I'm sorry, I hope my continuing objection is noted at this recapitulation by counsel. It is against the rules of examination. The record is made.

TRIAL EXAMINER: I take it he is directing the attention of the witness to the testimony preliminary to the asking of a question. That would be my guess.

MR. CURLEY: Yes, I am.

TRIAL EXAMINER: Go ahead.

Q As a result of that, were you familiar with the capabilities and work habits of the various employees employed in the blade shop during the period January 1st, 1964 through June '64?

A Yes, I knew the habits of every worker.

Q Would you describe the habits -- your observations concerning the work habits of JOseph Damato?

A He was a goof-off. He was fast at laying up a blade

but he did it the way he wanted to. If he wanted to take an hour and a half to do it, he did it in an hour and a half. I think they had a race there one time, he did it in 18 minutes.

Q Did you recommend the discharge of Joseph Damato for the reasons you have just given me?

A I sure did.

Q Were you familiar with the work habits -

MR. LEINER: Excuse me, Mr. Examiner. I think this is a problem of the leading. He didn't give a reason. Mr. Curley said, did you recommend him for discharge for the reasons you have just given?

Now, all we know is that he produces a blade in 18 minutes and he produces a blade in other minutes.

TRIAL EXAMINER: No, he does it as he pleases. When he wanted to work fast, he worked fast. When he didn't want to, he worked slow.

MR. LEINER: The witness should give the reason for the discharge and not Mr.Curley.

MR. CURLEY: It is my recollection that the witness did give the reason.

MR. LEINER: I hope I am not being too technical. We are in a very delicate area.

TRIAL EXAMINER: I think the reason that was shown on the record here, the reason given by the company for

Now let's go along.

Q Were you familiar with the work habits of Martin Pipia?

A I was.

Q Would you describe them for us as you observed them?

A Well, as far as I'm concerned, he was a goof-off, too. He just wasn't a production worker. He might have been a good cabinet worker, but he just couldn't hold up under a production schedule.

Q Did you fire -- recommend his discharge for the reason you have just given?

A Right.

MR. RUBENSTEIN: The same objection to the last question.

TRIAL EXAMINER: Yes, sir.

Q Did you discuss at any time -- strike that, please.

In the period January through June, '64, Mr.Dennis, who was your immediate superior?

A Pete Ackles.

Q Did you ever have occasion to discuss with Mr. Pete Ackles the manpower situation as it affected the blade shop?

A Yes.

Q Will you tell us when that was, the first discussion?

A I believe it was in May, the first part of May.

Q Did there come a time when a decision was made to reduce the manpower in the blade shop?

A Yes.

Q Were you familiar with the work habits -- strike that, please.

Were you familiar with the work capability of August Bentivegna?

A Yes.

Q Were you familiar with the work capability of William Fluellen?

A Yes.

Q Did you recommend, pursuant toyour discussions with Mr. Ackles, the lay off of Mr. Bentivegna and Mr. Fluellen?

A Yes, I did.

Q At any time, did you have any knowledge that any employee in the blade shop was interested in the union?

A No, I didn't.

Q Did you ever question any employee concerning his union activities or his membership in the union?

A No.

Q Or his attendance at union meetings?

A No, I did not.

Q Did, in the selection of the four people I have referred to -- strike that, please.

Did the question of any union activity whatever of any kind enter into the selection of Mr. Pipia and Mr. Damato for discharge on June 19, 1964?

A No. It had nothing to do with it.

Q Did the question of union activity of any kind whatever enter into the selection of Mr. Fluellen and Bentivegna for lay off on June 29, 1964?

A No. It had nothing to do with it.

MR. CURLEY: I have no more questions.

CROSS-EXAMINATION

Q (By Mr. Leiner) I don't understand something too well, Mr. Dennis.

When you said that there was three blades built between January and June 1964, you did testify in response to the Trial Examiner's question, it was three whole blades; is that right?

A Right.

Q That means six halves?

A Right.

Q TLat means twelve quarters; in other words, there is an upper-upper and a lower-upper?

A No.

Q Will you tell the Trial Examiner -- that was my understanding -- Mr. Southworth testified that a blade -- you stop me if I am wrong, Mr. Dennis -- a blade is

MR. LEINER: I have a right to test his recollection as to the date.

A I say it was in May. The first of May.

Q About the first of May. So that by the first of May you knew that for one reason or another, you were going to reduce manpower in that blade department, is that right?

A That's right.

Q Did Mr. Ackles tell you that the manpower reduction was going to come about within a reasonably short time like a few weeks or a month?

A No, he didn't.

Q Did he say anything about the timing of the lay offs?

A No, he said he would notify me.

Q At that time, did he ask you to see who should be laid off to start making up the list with regard to those people who you thought could be done without in the blade shop?

A Yes, sir.

Q Did any of the machines, new machines, come in at that time so as to speed up production of blades?

A No. We hadn't got them. They hadn't been assembled. I think they were in the plant although I couldn't swear to that.

Q Were they assembled on or about June 15 or June 30?

MR. LEINER: We have a man discharged because of it.

MR. CURLEY: Excuse me. There was nobody discharged in the blade shop because of profanity.

MR. LEINER: I didn't say that.

TRIAL EXAMINER: Stop it and go ahead.

MR. LEINER: You don't want to hear any more on that?

TRIAL EXAMINER: No, not on that point.

Q You said, I believe, you testified in your direct examination, Mr. Dennis, that Mr. Pipia might be a good blade -- a good cabinet maker but he didn't fit into the production scheme of things?

A That's right.

Q I will ask you a couple of questions on that.

Did you know whether he was a good cabinet maker?

A Well, through his application when he hired in, he must have been a good one.

Q Well, did you know he was an accurate and a very highly trained blade mechanic on the blde contouring work that he did; whether he did it fast or slow, I am not asking that, Mr. Dennis. I am asking, was he a technician and almost an artist in working on the blades?

A Yes, I would say so.

Q Now, -- may I have a moment, Mr. Examiner?

Did you notice that he was a very slow worker when

he was first employed in the company or only in May or June, 1964?

A Oh, he was always slow.

Q Did he get slower?

A It seems that when I wasn't in the shop, yes.

Q Had you reprimanded him for his slowness in 1963?

A I had spoke to him about it.

Q How many times did you speak to him bout his slowness? His production slowness, I mean?

A Two, maybe three times.

Q Was that in 1963 and 1964?

A Yes, sir.

Q Do you remember when Mr. Pipia was first hired?

A No, I don't.

Q So you knew that he was slow from 1963, all through 1964, is that right?

A Right.

Q Did you ever suggest to Mr. Ackles that you fire Mr. Pipia before this because he was a slow man?

A Yes, I had talked to Pete on several occasions about it.

Q When was the first time that you suggested that Pete Ackles or yourself discharge Pipia because he was a slow worker?

A I'd say in January '63 probably.

Q January of '63?

A Or February. I don't know. I don't know offhand.

Q Then you made several other requests that Mr.Ackles discharge Mr. Pipia because of the slowness, right, and that would be later in '63, is that right?

A That's right.

Q What did Mr. Ackles tell you?

A Well, at the present time we needed any type of help we could get. Overlook it. Each time I spoke to him, overlook it for this time, overlook it for this time,and finally he consented.

Q Was there anything particular that Mr. Pipia had done -- I withdraw that.

I would like to clear up one further point. You testified that you were the foreman, is that right?

A Foreman, right.

Q I want to bring you back to prior to 1965.

Could Al Morel, prior to 1965, do the same -- strike that, please -- exercise the same authority that you could?

A No, he never could.

Q He never could. Can he do so now?

A Being an assitant foreman, yes, I'd say he could.

Q You testified, I believe, that he was not made assistant foreman until January of 1965, is that right?

TRIAL EXAMINER: Take a ten-minute recess.

(Short recess.)

TRIAL EXAMINER: On the record.

JAMES MANICO

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Curley) Will you give your full name and address to the reporter, Mr.Manico?

A James Manico. 20 Rockledge Drive, Shirley, New York.

Q WHo are you employed by, Mr.Manico?

A Gyrodyne Company of America.

Q How long have you been employed there?

A Seven and a half years.

Q Where do you work in the company, within the company?

A Machine shop.

Q Do you have a title?

A Leadman.

Q How long have you been a leadman?

A About three years.

Q During the period of March 1964 through June 1964, what were your hours of work?

A I believe that was the time I was on the night shift. It was 4 p.m. to 10:50 a.m.

MR. LEINER: Excuse me. What were the dates that you gave?

MR. CURLEY: March through June, 1964. The exact date is March 16, 1964 through July 2, 1964.

Q Mr. Manico, while you were on this night shift, at what time did you customarily arrive at the plant?

A Anywhere from an hour to an hour and a half before four. That would make it around 2:30 p.m.

Q Do you know a John Wolf?

A I do.

Q Will you tell me who he is?

A John Wolf is a drillpress operator who worked for me on the night shift.

Q Do you know that he has testified at this hearing?

A I do.

Q I am going to read to you a portion of his testimony and ask you a question about it.

At the bottom of page 1095, he makes the statement:

"Answer: We were talking about the union one night and to the best of my knowledge, he had told me that he had sent one in also. And I admitted to him that I also have sent one into the union."

Did you ever tell John Wolf that you had sent a card into the union?

A I did not.

TRIAL EXAMINER: Who had sent a card into the union?

MR. CURLEY: The witness.

Q Did John Wolf ever tell you that he had sent a union card in?

A He did not.

Q Mr. Wolf, on page 1096, goes on to testify further in response to the question appearing on line 8:

"Question: Had Mr.Manico ever expressed his opinion of unions to you at or about this time?

"Answer: It may have been a week or two later. We were talking about a union again and he had toldme that a union in this place would ruin the old man."

Did you ever make the statement to him that a union in Gyrodyne would ruin the old man?

A I never made any such statement.

Q Did you ever discuss the question of unions with John Wolf?

A No.

Q I refer you to page 1097 of the transcript, beginning on line 2,in response to aquestion, Mr. Wolf makes this statement:

"Answer: Jimmy Manico had come up to me one night and he had told me that Goorge Mancini felt that I might be a union organizer."

Did you ever make such a statement?

A I never made such a statement.

Q Did Mr. Mancini ever tell you that he thought that George Wolf might be a -- pardon me, John Wolf might be a union organizer?

A No.

Q Did you ever have a discussion with Mr. Mancini in regard to Mr. Wolf?

A Do you mean with regard to some type of union activity or just his work or what?

Q Any kind of a discussion, his work or anything else?

A We had discussions about John. Naturally, I was responsible for the type of work he did. If there was any question about his work, George and I would discuss it.

Q Did George Mancini ever ask you a question concerning an incident in which Mr. Briggs and Mr. Wolf were involved?

A There was an incident that happened, the exact date I don't know.

TRIAL EXAMINER: Who and Wolf were involved?

MR. CURLEY: Mr. Briggs.

A Jimmy Briggs at this time was operating a job in which John was also operating. Jimmy was working it on days and John was working it at night.

Well, to start from the beginning, I come in one

I said, "I think Louis Marsan has one, too," and that was all."

Did you ever ask Mr. Wolf for a copy of a pamphlet the union had passed out?

A I did.

Q Did you ask him for a copy -- more than one copy on any one occasion?

A No.

Q And why did you ask him for a copy of the union pamphlet?

A Well, as I explained at the beginning, I generally come in an hour, an hour and a half, sometimes two hours before the day shift -- the night shift had started and I didn't get a leaflet. So I wanted to see what they said. If they had leaflets, I would ask anyone for it. I wanted to read it.

Q Did Mr. Papadakos ever ask you to procure a leaflet for him?

A No.

Q Did you ever say to Mr. Wolf, after asking for a pamphlet, "Do you know of anyone else that has one of these?_

A No. Only if he didn't have one.

Q Do you know who Louis Marsan was?

A Yes.

Q Who was he?

A Louis was the night shift inspector.

Q Can you tell me something about the distribution of the union pamphlets, in what numbers were they in, and around the plant, to your best recollection and observation?

A You can get them any place. They were all over the place. The guys brought them in with them. They were never hidden. They would be around if you wanted them. Most of the guys kept them on their desk or on their bench. Whether they read them before or after they had them on the bench, I don't know. They were there.

Q Do you happen to know whether the union gave out the same pamphlets to the day shift as they gave to the night shift on any given day?

A Sometimes I noticed that the night shift would get the leaflet first and then the day shift would get it when they come out. In most cases, it was the same leaflet. I don't remember anything different although I never read the day shift leaflets. I never remember seeing any two different ones. They didn't give them out every night but two or three days would go by so generally I can tell there was a different one around.

I would say they gave the same leaflet to the day shift as to the night shift.

Q Mr.Marsan has testified in this hearing at page 1257 as follows, in response to the question appearing on line 9:

"Question: Prior to that time, did any supervisor of the company come to you and ask you about union literature or copies of it?

"Answer: Yes, sir.

"Question: Will you tell the Trial Examiner when that occurred, who asked you and what the conversation was?

"Answer: This took place about the middle of June.

"Question: What year was this?

"Answer: In 1964. I would say about a week or so before I was laid off which was the 29th. Jim Manico came to me and asked me if I had any pamphlets, union pamphlets that had been given out at the door as we came into work. This was the four o'clock shift.

"And I told him that I had and I asked him how many he wanted.

He said he wanted about three or four. So I had one myself which I gave him and he said, "Do you know anybody else who has any?"

This is Marsan testifying.

Continuing on page 1258:

"I said, "Yes, John Wolf has one."

"So he said he would get his and then I said I would

try to get him another one, which I did from another fellow employee who had come in with one.

"Then when I got that, I gave it to him and I asked him what he wanted them for and I remember him saying that he wanted it for the general supervisor, Pete Ackles..

"I said, "What does he want with them? He can pick them up all over the place."

"He said he wants a few copies for the old man, Mr. Papadakos.

"That was the end of it."

Did you ever ask Louis Marsan for a pamphlet?

A I did ask Louis for a pamphlet.

Q What was the reason you asked him for a pamphlet?

A The same as before. For myself to read it.

Q Did you ever ask him for more than one copy of a pamphlet?

A No.

Q Did you ever ask him for a copy for Pete Ackles to be given to Mr. Papadakos?

A No.

Q Did you ever ask him for a copy to be given to Pete Ackles only?

A No.

Q Did he ever refer youto John Wolf as a source of pamphlets?

A Quite possible.

Q Would that be after he had supplied you with one?

A No. Only if he didn't have one.

Q Are there -- strike that, please.

Did you secure pamphlets for your own use from employees who are still on the payroll of Gyrodyne?

MR. RUBENSTEIN: Objected to.

TRIAL EXAMINER: I didn't understand the question. I'm sorry.

(Question read.)

MR.RUBENSTEIN: Objected to.

First he testified before as towhat the purpose of getting the pamphlets was and this is a leading question.

TRIAL EXAMINER: Overruled. You can answer the question.

A I'm not sure I understand.

Did I ever ask an employee for a copy for my own use?

TRIAL EXAMINER: As I recall, who is presently employed.

A I asked other employees, other than John and Louis. There were eight other men on the shift. In fact, most of the time the nearest guy to me.

TRIAL EXAMINER: We are talking about a year ago. Now, I think Mr. Curley wants to know whether since that

time you asked any employee who still is employed by the company for a leaflet.

THE WITNESS: Oh, yes. Even though I'm working days now, if I am looking for a leaflet and I didn't get one-- in fact, I asked for one today. I heard they were giving out leaflets and I wasn't there last night. I wanted to read it.

Q Mr. Marsan also testified on page 1254 at line 2:

In response to this question:

"Question: Did any supervisor ever talk to you about the name of any other employee with regard to any activity?

"Answer: Yes.

"Question: What did he say and who said it and when was it said?

"Answer: In the beginning of June, 1964, at the beginning of the night shift, Mr. Manico happened to mention to me that Wally Kargauer's name had been mentioned in unlikely places and he should be careful, watch his step."

Did youever speak to Mr. Marsan and tell him that Wally Kargauer's name had been mentioned in unlikely places?

A No.

Q Did you ever ask him to relay a warning or intimate that a warning should be relayed to Mr. Kargauer for any purpose whatever?

MR. LEINER: Objection to the form of the question.

TRIAL EXAMINER: No, overruled.

A Can I have the question again?

TRIAL EXAMINER: Will you read it, Mr. Reporter, please?

(Question read.)

A No.

MR. CURLEY: Mr. Trial Examiner, I have a bit of a problem with the pleadings.

May we ask that the witness be excused for a couple minutes?

TRIAL EXAMINER: Yes. Will you step outside,please? We will call you.

(Witness temporarily excused.)

MR. CURLEY: The bill of particulars states that Mr. Manico interrogated employees in the blade shop,which confounds me.

Is it the General Counsel's intent or do you make the a-legation that Mr. Manico did interrogate people in places -- concerning their union activities in places in and around where blade shop employees customarily congregate?

MR. LEINER: I have no comment, sir.

TRIAL EXAMINER: No comment?

MR. LEINER: No. The pleadings are there.

TRIAL EXAMINER: All right, Mr. Curley. Sit down.

Q I will now ask the witness this question: did you know the work of Mr. Walter Kargauer?

MR. CURLEY: I object to this, Mr.Trial Examiner. This is not within the scope of the direct examination. It is incompetent, there is no foundation laid.

TRIAL EXAMINER: Was Mr. Kargauer on your crew?

THE WITNESS: No, Mr. Kargauer didn't work for me.

Q Were you familiar with the quality and quantity of his work?

TRIAL EXAMINER: I will sustain the objection.

MR. LEINER: I believe he said no, not too familiar.

MR. CURLEY: I move the answer be stricken ---

TRIAL EXAMINER: I said it should be stricken.

MR. LEINER: I have no further questions.

Q (By Mr. Rubenstein) Mr. Manico, during the time that you worked on the night shift, I think you testified between March 16th and July 30th, 1964 --

MR. CURLEY: I object to that, Mr. Trial Examiner. There has been no such testimony given.

TRIAL EXAMINER: Start over again, will you, Mr. Rubenstein? Reframe your question.

MR. RUBENSTEIN: I haven't finished my question first.

TRIAL EXAMINER: Well, you are assuming a state of

of facts which is not shown by the record.

The objection is entered. I sustain the objection.

Ask another question.

MR. RUBENSTEIN: I would like now to make a little--

TRIAL EXAMINER: Ask another question, please.

Q Did you testify that during the time that you worked on the night shift you used to come in between an hour and an hour and a half before the shift started?

A I did.

Q Can you please tell me what was the reason for your coming in earlier?

A Well, I had to be briefed by my day shift men for the work for the coming night. What problems they ran into, work different jobs. Any question that may arise. After all, anything that happened in the day time I had to know at night and I needed time.

Q You were the only man on the night shift in supervision?

A That's right, I was.

Q You were very much interested in the union, weren't you?

MR. CURLEY: I object to this, Mr. Trial Examiner.

TRIAL EXAMINER: Overruled.

A Interested? It is pretty broad. I am always interested in union affairs, whether it be your union or the

Q Then you came home and discussed with your wife the leaflets and what they said?

A If it was interesting enough for her.

Q But you are sure you haven't discussed it with any worker on the night shift?

MR. CURLEY: I object. This is the sixth time the question has been asked on cross-examination.

TRIAL EXAMINER: No, I didn't discuss it with anybody.

Q Nor with the supervisors on the day shift when you took instructions for the night shift?

A No.

MR. RUBENSTEIN: That's all.

TRIAL EXAMINER: Thank you, Mr. Manico. You are excused.

(Witness excused.)

LOUIS C. JANSKY

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Lyons) What is your name?

A Louis C. Jansky.

Q Who do you work for?

A I work for Mr. Lionel Martin.

Q What company?

A Gyrodyne Corporation of America.

Q What is your job there?

A I'm an engineer.

Q Where do you work as an engineer?

A In the laboratory.

Q Do you work on engineering and research and development or --

A That is correct.

Q Research and development?

A Research and development, that is correct.

Q In 1964, in June, what was your job?

A I was engineer on new project.

Q What building did you work in?

A I work in Building 2 at that time.

Q Are you a graduate engineer?

A That is correct.

Q Do you remember sometime in July that you were at a golf tournament?

A There was a Gyrodyne golf tournament, that is correct.

Q This was sometime in July, 1964, is that right?

A I guess so, you're right.

Q I'm going to read you some testimony of Mr. Peter Roman. First I'll ask you, do you know Mr. Peter Roman?

A I recall the name. I recall the name.

Q I'm going to read you some testimony and I'll ask you some questions about this.

MR. LEINER: Mr. Examiner, I object. I object to any question because there insufficient foundation. The witness does not know Peter Roman on his testimony. All he recalls is a name.

TRIAL EXAMINER: Overruled.

Roman testified.

MR. LEINER: But the witness doesn't know Peter Roman according to his own testimony.

TRIAL EXAMINER: Well, I'm not sosure.

Q Referring to something at the Brentwood Country Club in Long Island, Mr. Roman testified at page 138:

"Question: Who did you have a conversation with?

"Answer: Louis Jansky. He is a supervisor in charge of the experimental blade shop."

Let me ask you this, Mr. Jansky.

Were you a supervisor in charge of the experimental blade shop?

A No, I am engineer.

Q Now, Mr. Roman testified that you had an assistant named Lionel Martin.

Do you know Mr. Lionel Martin?

A That's my supervisor.

Q Oh, that's your supervisor?

A That's right.

Q You are not his supervisor?

A TUat's right. I am his assistant, more or less.

Q At page 140, Mr. Roman was asked this question:

"Question: Who is, to your knowledge, in charge of the experimental blade shop? "

This was asked by the lawyer for the National Labor Relations Board.

"Answer: Mr. Jansky."

Was that question and answer true where Mr. Roman was asked who is, to your knowledge, in charge of the experimental blade shop and --

A This couldn't be true because I am engineer.

Q The Trial Examiner at page 148 made the remark that-- in answer to a question, the Trial Examiner said, line 4:

"Trial Examiner: You had been paid off?

"The Witness: Yes, sir.

"Trial Examiner: And Mr. Jansky, as you understood it, then, was in charge of the experimental blade shop? "

A I am not in charge.

Q Lionel Martin was not your assistant, is that right?

A No, sir.

Q He was your boss?

A That's right.

Q Then the Trial Examiner asked a question; the Trial

Examiner on page 148:

"Trial Examiner: Then you tell us what it was.

"The Witness: He came up to me and he shook hands because I left in sort of a hurry, didn't get a chance to say goodby to anybody. And he says to me, "Hi, Pete," he says, "what's this I hear about you being a union agitator?"

Q Did you ever say that to Mr.Peter Roman at that golf course?

A No, sir.

I shake hands with him. We met when we go to the - you know for the putting green. We shake hands like I shake hands with anybody before game. But I never talk to him about union .

I was just wondering that he was still not with the company because I was on the road at that time, a week before the tournament or two weeks, I don't know. I am still on the road every week so it is very hard to, you know, remember.

Q But you are sure you never had this conversation with Mr. Peter Roman -

A No, why should I?

MR. LYONS: No further questions.

CROSS-EXAMINATION

Q (By Mr. Leiner) Mr. Jansky, did you testify on your

AFTER RECESS

(Whereupon at 2:00 o'clock p.m., the hearing was resumed pursuant to the taking of the recess at 12:35 p.m.)

TRIAL EXAMINER: On the record.

GROFF WARD

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Lyons) What is your name?

A Groff Ward.

Q Where do you live?

A 18 Roberta Street.

Q WUo do you work for?

A Gyrodyne.

Q Who did you work for in June 1964?

A Gyrodyne.

Q What is your job now?

A Quality control engineer.

Q What was your job in the spring of 1964?

A Chief inspector.

Q In what department?

A Mechanical inspection.

Q Who was your supervisor?

A John Hollwedel.

Q I'm going to read you certain testimony concerning

you in this hearing and I'll ask you certain questions about it.

Preliminary to that, doyou know a man named Petito?

A Yes, sir.

Q Dwd he work for the department in which you were chief inspector?

A Yes, sir.

Q Reading from page 276:

"Question: What did you say when he offered you this job?

"Answer: I said in my estimation this is no progress as far as I'm concerned, and I told him that I was sorry I had fought against the union in '62 -- that I am sorry I fought against the union in '62. What this place needs is a union.

"Then I requested to go see Mr. Peter Ackles."

Let me ask you this, Mr. Ward.

Calling attention to the statement on page 277 that this was in February or January 1964, let me ask you,sir, did you ever have such a conversation as I have read, with Petito, regarding a union?

A No discussions regarding any union matters.

Q You are sure about that, sir?

A Absolutely.

Q Now, do you remember a man named Michael Billone?

A Yes, sir.

Q And sometime in the end of June, 1964, did you have a telephone conversation with Michael Billone?'

A Yes.

Q I'm going to read a conversation to you that he testified to and I'm going to ask you some questions regarding it, reading from page 763:

"Question: (By Mr. Leiner) Will you tell the Trial Examiner what the conversation is?

"Answer: I called Mr. Ward to ask him if he knew any reason why I got laid off, and he said no, he didn't know of any reason, but he said he didn't know that they were even going to lay me off. For the simple reason that he told me also that he could have put me in another place, another position in the inspection department,that he would check with Aylward to see if this was all right, and then Mr. Aylward didn't give him an answer when I called him back. He said my work was very good and he could have placed me somewhere else."

Q Let me ask you this before I refer to this conversation, Mr. Ward.

After the lay-offs of July -- of June, 1964, were any people hired in the mechanical inspection department?'

A No.

Q Since July of 1964, have any other people been laid

off in inspection department?

A I don't recall exactly. It is hard to determine whether some resigned or -- some additional were laid off.

Q Were there fewer people in the mechanical inspection department after July 1st, 1964?

A Fewer, yes, there were fewer.

Q How many left after July 1st, 1964 that you know of, just about?

A Well, the mechanical inspection department covered several areas. Are you referring strictly to receiving inspection?

Q No, I am referring to the mechanical inspection department where you were the chief inspector.

A I don't recall the exact number.

Q Well, can you give us your best approximation?

A Oh, I would say somewhere in the area of 20, approximately 20.

Q Left there after July 1st?

A That is all mechanical inspection functions.

Q Were they replaced?

A No.

Q I am going to ask you about this conversation.

Would you --

MR. LEINER: Mr. Examiner, may I respectfully move to strike the last question and answer unless it is shown

within what period mechanical inspectors, 20 inspectors, left because we go on ad infinitum until the present time.

THE WITNESS: Perhaps I misunderstood the question. Do you mean how many inspectors remained after the lay off?

Q No. That left, subsequent to the lay off, from the time of the lay off that these charges are filed about, after that, some men left mechanical inspection, is that right?

A Yes.

Q About how many left?

A There might have been three or four. I misunderstood the question.

Q Were they replaced when they left?

A No.

MR. LEINER: I renew my motion, Mr. Examiner, the question is meaningless. It has no time limit.

TRIAL EXAMINER: After the date of the lay off.

MR. LEINER: I quite agree, it was after June of 1964. I would like to inquire whether that includes July of 1965, as well. Is that the date in which these people left?

TRIAL EXAMINER: You can get that on cross-examination.

Q Going backto this conversation that Mr. Billone had with you, there is no doubt in your mind he called you after he was terminated, is that right?

A That's right.

Q Will you tell us your version of the conversation?

A Well, when Mr. Billone called me, I hadn't been advised exactly when the packaging operation would be terminated.

Q You knew it was going to be terminated?

A I was advised it would be terminated but I was not advised exactly when it would occur.

So that in my discussion with Mr. Billone regarding a transfer to other areas in the plant --

Q Where?

A In other areas in the plant -

Q Not in your department?

A Not in my department. There wasn't much I could do under the existing circumstances due to the termination of the packaging operation and the subcontracting to Abilities.

Q Did you say anything about calling Mr. Aylward?

A Yes.

Q Mr. Aylward, you called?

A I beg your pardon. It was Mr. Hollwedel.

MR. LEINER: I object to this, Mr. Examiner.

Mr.Lyons threw him the cue when he said --

TRIAL EXAMINER: Plesse stop that. I am listening. I am here. I have a little common intelligence.

Q Did you recall that when I read this statement to you that Mr. Billone said that you said you would check with Mr. Aylward?

A TH 's was an error. Actually I called Hollwedel.

Q Is it an error on the part of Mr= Billone, is that right?

A Right.

MR. RUBENSTEIN: They both made the same error.

Q Did you call Mr. Hollwedel?

TRIAL EXAMINER: Will you stop arguing when this examination is going on?

Q Did you call Mr. Hollwedel?

A I did.

Q DMd Mr. Hollwedel discuss with you whether they could place Mr. Billone?

A Not -- he didn't -- there was no comment coming back from Mr. Hollwedel.

Q At any time in your discussions with either Mr. Hollwedel or with Mr. Billone, was there any discussion of a union?

A No, sir.

Q Did any person at Gyrodyne ever discuss your looking into the union activities of anybody at any place?

A Well, Buddy Hauck who was the assistant foreman.

Q What was your conversation with Buddy Hauck?

A Just on generalities.

Q About what?

A Oh, our own past personal relationship with unions.

Q. I am talking about in relation to Gyrodyne.

A No discussion on that matter whatsoever.

Q You and Hauck in different companies have been in unions, is that right?

A That's right.

Q That was the only discussion you ever had about unions in general?

A That's all. Philosophical.

MR. LYONS: That's all. No further questions.

CROSS-EXAMINATION

Q (By Mr. Leiner) You testified, I believe you testified that you were Petito's supervisor?

A As chief inspector, yes.

Q You were his supervisor?

A Yes.

Q Did you find his work to be chronically poor?

MR. LYONS: I object to the question.

TRIAL EXAMINER: I'll let it stand. I don't know what it means.

Do you know what it means, Mr. Ward?

MR. LYONS: Outside of the direct examination.

TRIAL EXAMINER: Yes, I understand.

A Ernie was --

Q I just asked you a question.

Did you find his work to be chronically poor?

A Yes.

Q How long were you his supervisor?

A From the time he was hired until his termination.

Q By the way, do all the recommendations for raises go through you in your department?

A Prior to around October or November of '64 when I assumed my new duties --

Q I am not interested in that. I meant prior to June of 1964.

A Correct.

Q During the time --

MR. LYONS: I object to the question.

Q During the time that Mr. Petito was employed by the company, did all the recommendations for increases go through you?

MR. LYONS: I object to the question.

TRIAL EXAMINER: I have told you I am not going into collateral issues. From hereonout, you confine your questions to matters which are covered on direct examination only.

who works over there, he works in his department, he says, "Tell this man who I am." He is -- he says I am the new assistant foreman.

At that time, what was your job at Gyrodyne?

A My job was senior leadman, sir.

Q Did you ever make the statement to Hans Nielson in Damato's presence that you were the assistant foreman?

A No, sir, I did not.

Q Page 643, line 17:

"Question: Where did you grow the big strawberries?

"Answer: Over my father's farm this was.

"Question: Thank you.

"Answer: And I brought two of these quarts in for Al Morel and they got to talking about them. So he had forgotten them in the cooler. We had a cooler back there.

"Question: Where was the cooler?

"Answer: In the blade shop.

"Question: All right.

"Answer: We went back to get them. --

"Question: What time of the day was this?

"Answer: This was at four o'clock. We were quitting. We left and were walking out to the main building to punch our cards out, time cards. Across from the time cards, there is a men's room and he tapped me on the shoulder and made a motion to enter the men's room,

which I entered in, you know.

He then put his hands to his lips to make no sound -

"Question: Excuse me. May the record show that the witness has made the sign of silence.

"Answer: And he then checked all the stalls, the bathroom stalls and all around the place to see that nobody was there.

Then he made a motion for me to pretend I was urinating. And he stood alongside of me. And he says to me, "They are out to get you."

And I said, "Who is?"

And he said, "Bill Dennis."

And I said, "That's the way it goes."

Q Did Mr. Morel -- did Mr. Damato bring you some strawberries at sometime?

A Yes, sir.

Q And you were senior leadman at that time?

A Yes, sir.

Q He worked in the same department with you?

A Same department, yes, sir.

Q Was he bringing an apple to the teacher?

I withdraw the question.

Did you have a conversation with Mr. Samato in the mens room at Gyrodyne at about 4:30 of an afternoon or four o'clock?

A Yes, sir, I did.

Q Will you tell us what the conversation was?

A Well, I took Mr. Damato - after we went back for these strawberries, I took Mr. Damato, as we were clocking out,into the men's room, as he states. I took him in there for the simple reason I wanted a little privacy that no one else should hear and I told him in a nice way, because we were friendly, I was friendly with all the men in the shop, that he should stop the goofing off and he should adhere to the safety measures that are promoted in the shop for his benefit.

Q What were the safety measures?

A He was under a doctor's care for a skin rash for quite a qhile. The company came out with plastic sleeves for his arms and gloves for him to wear while he was working the glue machine.

He didn't wear them so by that, I say he wasn't adhering to the safety factors.

The purpose for me to take him in there was to give him a warning. I felt I owed him a warning.

Q And did you go "shhhh" and look in all the toilets?

A No, sir.

Q Did you tell him to make out he was urinating?

A No, sir.

Q That is all the conversation, is that right?

A Yes, sir.

Q Did you ever tell him that Bill Dennis was out to get him?

A Nw, sir.

Q You are sure of that?

A I'm positive.

Q Now, do you know Martin Pipia?

A I do.

Q I'm going to read from some of his testimony and ask you if this ever took place.

Reading from 522:

"Question: When you left the smoke room, what did you do?

"Answer:- A half hour later,I went over to Al Morel and I told him, I says they found out I'm going to union meetings and Bill Dennis is going to try to fire me and Al MOrel says to me, "Who told you this, Pete Bohler; be-c ause Pete Bohler and Al Morel are very close friends."

"Question: What did you say to Mr. Morel, the as-s istant foreman, when he said to you, "Did Pete Bohler tell you that?

"Answer: I just walked away and didn't answer him."

Did you ever have that conversation with Mr. Pipia?

A No, sir, I do not recall that.

Q Page 523:

"Question: go ahead and let's see what happens.

"Answer: That same morning at approximately 9:15, at coffee break, I was called by my lead man, Don Karmel, and told that Bill Dennis, the foreman, and Al Morel, the assistant foreman, want to see me outside the building. They want to talk to me.

So I immediately wentoutside and met them and the first thing the foreman, Bill Dennis, told me is "What is this bullshit you going around telling the men that I'm going to fire you because you go to union meetings?"

He said, "I don't give a shit if you go to union meetings or not. It is none of my business- All I am interested in is that you put out your work."

Were you present when this whole conversation went on between Bill Dennis and Pipia?

A No, sir.

Q Did you arrive there at some time in the conversation?

A I was called out after Mr. Pipia was out there with Mr. Dennis.

Q When you got there, what did you hear Mr. Dennis saying to Mr. -

A Mr. Dennis said to Mr. Pipia, "Morel tells me that you didn't put out a day's work when I went homebecause of sickness in family.

Mr.Pipia gave an explanation. After it was

explained, I was satisfied with it. I gave the man the benefit of the doubt. I didn't even verify it with his leadman.

Q Let me ask you this: Were they in conversation together before you got there?

A Yes, sir.

Q You saw the two of them and you approached?

A Yes.

Q You didn't hear the whole conversation?

A No.

MR. LYONS: No further questions.

CROSS-EXAMINATION

Q (By Mr. Leiner) You testified, Mr. Morel, that you didn't verify the excuse which Mr. Pipia had given with his leadman.

Is the answer to my question yes?

A I didn't verify it, no.

Q And his leadman's name is --

A Don Karmel.

Q Isn't it a fact that you knew that Karmel had shifted Mr.Pipia to another job in the absence --

MR. LYONS: I object to the question.

TRIAL EXAMINER: It doesn't mean anything. I will sustain the objection.

Q Do you know Peter K. Bohler?

TRIAL EXAMINER: I am not in a state of temper now.

MR. LEINER: I just thought a ten-minute recess would be inorder.

TRIAL EXAMINER: I am in a state of cold, deliberate thought.

MR. LEINER: I misjudged your attitude, Mr. Examiner.

TRIAL EXAMINER: Yes, sir.

MR. LYONS: I'd like to make a request of the Trial Examiner.

Mr. Curley, with your permission, will take the next witness and tomorrow, with your permission, I would like to be in the Supreme Court of Riverhead where I'll be engaged with the firm of Rubenstein & Rubenstein on another matter.

Mr. Curley will be here to conduct this hearing.

TRIAL EXAMINER: That's agreeable to me, Mr. Lyons.

MR. LYONS: Thank you, sir.

DONALD FRANCIS COOK

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Curley) Willyou give the reporter your name and address, Mr. Cook?

A My name is Donald Francis Cook. I live at 1 Cabin

Lane, East Setauket.

Q Mr. Cook, by whom are you employed?

A Gyrodyne Company of America.

Q How long have you been employed there?

A I believe three and a half years.

Q In what department are you employed?

A Avionics inspection.

Q Do you have a title, sir?

A Well, I'm known as a leadman.

Q In that department?

A In that department, yes, sir.

Q Who is the foreman of that department?

A Jim Sullivan.

Q Is there a department called instrument calibration?

A Yes, there is, sir.

Q Is that -- where physically is that located in respect to the avionics inspection department.

MR. LEINER: I object to this testimony. We have been all through this testimony before about the avionics inspection department and the situation.

TRIAL EXAMINER: It is a preliminary question.

MR. LEINER: Yes, sir.

Q Where is that avionics inspection department located in relation to instrument calibration department?

A It is the same area.

Q Immediately adjacent?

A Right.

Q As a leadman, have you ever hired an employee?

A No, sir.

Q Have you ever interviewed a prospective employee?

A No, sir.

Q Have you ever discharged an employee?

A No, sir.

Q Have you ever suspended an employee?

A No, sir.

Q Have you ever disciplined an employee?

A Well, I have but I have been reprimanded for that.

Q Will you give us the circumstances for that?

A When I was on the night shift, I had trouble with one of the fellows and I talked to him about it and Jim heard about it and he told me that I should not reprimand anybody, that it was up to him to do it and if I had any trouble, to talk to him about it.

Q By Jim, who do you mean?

A Sullivan.

Q Can you transfer a man from avionics inspection to the instrument calibration department?

A No, sir.

Q Do you have the power to adjust grievances?

A No, I don't.

Q Willyou tell us how employee grievances were adjusted in avionics inspection during the period January through June 1964?

A Well, if one of the fellows had something they wanted to talk over with Sullivan, I would see if he was busy, and if he wasn't busy, I would send him to him.

Q Would Mr. Sullivan dispose of the grievance?

A Yes, he would. To the best of my knowledge.

Q Will you tell me how work is assigned in avionics inspection department?

A Jim usually comes down to Al Beltran and myself, or myself, either or, or both, and he, you know, lays out the format for the day.

If there is some hot job he wants one of the fellows to work on, hetells us about it.

Q Will he assign work to you and to Mr. Beltran to be performed by yourselves?

A Yes.

Q How much of your time is spent in actual inspection work?

A About 85 to 90 per cent.

Q Do you have a desk in that department?

A Well, it is not my desk. It is a desk that Al and I share but it really belongs to Jim. It is not a -- I've got my tools and everything somewhere else. But I

use it for paper work and stuff like that when I'm sitting down to do some paper work.

Q Is the desk Mr. Sullivan's personal property or company property?

A Company property.

Q Does Mr. Sullivan use the desk on occasion?

A Yes.

Q How much of Mr. Sullivan's time is spent actually in the department?

A I'd say about 75 percent.

Q Do you have the power to grant overtime to any employee?

A No, sir.

Q Can you give an employee time off?

A No, I can't.

Q Do you check the work of the technicians in the avionics inspection department?

A No, I don't check any of their work because most of the fellows are as well qualified as myself.

Q Do you maintain any personnel records of any sort?

A Well,personnel records --

Q Personnel records?

A Personnel records? No, sir.

Q Are you paid hourly or weekly?

A Hourly.

Q Do you know an individual by the name of Robert Martinez?

A Yes, I do.

Q Mr. Martinez has testified at this hearing and I'm reading from page -- on page 1163 of the record.

Mr. Martinez was asked about a conversation with Mr. Beltran and he commences to answer on line 22:

"Answer: This conversation - if you want to call it a conversation, I will letyou judge this - took place in February with both Mr. Beltran and Mr. Cook.

" At that time, the coffee break was just getting over with and I wasstanding around talking to some employees about the union.

"At that time, Beltran and Cook had come up more or less behind me. I hadn't seen them. And they told me I better get back to work.

"That was the one instance."

Did you ever hear Robert Martinez talking to any employee about the union?

A No, sir.

Q Further on at 1164, he is asked a question:

"Question: Do you recall any conversations with Mr. Cook regarding the union or union activities?

"Answer: Yes.

"Question: Would you tell the Trial Examiner when

and where that occurred and what the conversation was?

"Answer: This occurred, the first one occurred right after the first meeting which was -- let me think now -- just about May. It was a meeting of lead men. Mr. Cook had come downstairs from the meeting and I had been there, and I asked him, "Al, what was the meeting all about?"

Q Incidentally, is your first name Al or Don?

A Don.

"Answer: (continuing) At that time, he made a joking remark, "You are all fired."

"I said,"What do you mean?" He was in sort of a jovial mood. He said, "Mr. Papadakos is very concerned about the union coming in here," and we started talking more or less about union activities.

"That conversation didn't last too long, though. Mr. Cook was very concerned also about the union coming in."

Did you ever have such a conversation with Robert Martinez?

A No, sir.

Q Did you ever tell him that Mr. Papadakos was very concerned about the union coming in here?

A No, sir.

Q Did you ever tell him"you are all fired?"

A No, sir.

Q At page 1166, commencing at the bottom, he is asked about a second conversation he is alleged to have had with you about the union and he says:

"Question: When was the next one?

"Answer: The next meeting was in June. I would say June 9th.

"Again, I am not exactly sure of that date. It was in June, though. It was just before the big speech by Mr.Papadakos. At that time I had--"

"Question: Do you recall what happened when Mr. Cook -- do you recall Mr. Cook going to the meeting?

"Answer: Yes, I do.

"Question: Do you recall what he said when he returned from the second meeting?

"Answer: Yes. He made the same statement to me, as this seemed to be more or less a joke with him. He said very dramatically,"All right, you are all fired."

"Question: What else did he say?

"Answer: At that time he told me that Mr.Papadakos was very upset about the union. He didn't want any of the leadmen to be in the union,and, well, then the conversation was trivial about the union."

Q Did you ever make such statements to Mr.Martinez?

A No, sir.

Q I read from page 1180 of the transcript. By Mr.

Rubenstein:

"Question: Mr. Martinez, you related here several conversations or at least two conversations you had, I think, with Mr. Cook when he jokingly was referring to "you are all fired.". Do you remember your testimony?

"Answer: Yes.

"Question: Was there any talk atthat time or any other time about possible lay-offs by the company?

"Answer: Yes, there was.

"Question: Can you tell us when and what conversation?

"Answer: During both conversations when Mr. Cook made a statement to me jokingly that "you are all fired," we spoke again about the union coming in and Mr.Cook made the statement basically, that Mr. Papadakos was very set about the union, and before he got enough card signers, "before there were enough card signers for a union to come in, I wouldn't be at all surprised if there were major lay-offs."

Q Did you ever make a statement to Mr.Martinez to the effect that Mr. Papadakos was very set about the union?

A No, sir.

Q And"before he got enough card signers for a union to come in, you wouldn't be surprised if there was a major lay off?

A No, sir.

Q Do you know a Mr. Frank Lupardo?

A Yes, I do.

Q What was his job with the company?

A He was an inspector.

Q Did you ever ask Mr. Lupardo whether or not he had signed a union card?

A No, sir.

Q Did you ever ask him whether he had gone to a union meeting?

A No, sir.

Q Did you ever have any conversations with Mr.Lupardo with regard to the union?

A No, I didn't. I didn't have too much to do with Mr.Lupardo at all.

Q Do you know a Michael Petralia who worked at the avionics inspection?

A Yes, sir.

Q Now, he testified at this hearing and he stated that he had certain conversations with you and he was asked about those conversations on page 1361, line 16:

"Question: Will you tell the Trial Examiner what the conversations were between you and Cook or Beltran,and specify with whom you had the conversation, where it occurred and when it occurred.

"Answer: Well, mostly with Cook because Cook would ask me if I signed a card.

"Question: What did you tell them?

"Answer: I told them I did."

Q Did you ever ask Mr.Petralia whether he ever signed a union card?

A No, sir.

Q Do you know a Mr. Vella?

A Yes, sir.

Q Who was he?

A He was an avionics inspector in the calibration department.

Q Mr. Vella has t e stified at this hearing.

Did you ever ask Mr.Vella whether or not he had ever signed a union card?

A No, sir.

Q Did you ever ask him whether he had joined a union or went to the meetings?

A No, sir.

Q I am reading from page 1234 of the transcript --

TRIAL EXAMINER: Let's go back here for a minute to Petralia.

Petralia said when he was here testifying that you and Mr. Beltran had asked him if he signed a union card and he said yes, he had. TLat is, Petralia said he

told you and Beltran that he had signed a union card. That you asked Petralia then if he knew of anyone else who signed a union card. And Petralia said further that after almost every union meeting, you asked him about what happened at the meeting.

THE WITNESS: No, sir. There was some --

TRIAL EXAMINER: Is there any reason why Petralia should tell us anything like that? Was it out of his imagination, was there some foundation, a discussion of some kind that might have led him to think that you were asking about the union?

THE WITNESSS: Well, there was a lot of discussions amongst all the fellows during lunch time about what was going on outside the gate, but I never approached anybody as an individual and asked them whether he joined the union because I didn't care.

As a matter of fact, if the union got in, maybe I might have had something to gain by it, too, because these guys were always telling me that I should be 10 per cen t higher than everybody else in the department, which I was not.

TRIAL EXAMINER: Thank you, sir.

Q THe question was -- we were talking about Mr. Vella. Mr. Vellat at page 1234 of the transcript testified to this. When asked about any conversations concerning

union activities -

"Question: And you discussed it in front of a leadman, isn't that true?

"Answer: That's right. I bourhgt my union book in one day to show Mr. Cook."

Q Did you ever discuss union activities with Mr.Vella?

A No.

Q Did you ever ask him whether he joined the union?

A No, sir.

Q Or had gone to union meetings?

A No, sir.

Q Did he ever show you a union book?

A I have never seen one.

Q Did you ever ask to see his union book if he possessed one?

A No. The only thing I ever seen is the post card that came with the literature that I used to pick up myself at the gate.

Q Do you know August Priete?

A Yes, sir.

Q Mr. Priete has testified here at page 1491 as follows:

Question by Mr. Leiner:

"Question: Who was your leadman in the avionics inspection department, Mr. Priete?

"Answer: Donald Cook.

"Question: Would you tell the Trial Examiner whether you ever had a conversation with him regarding any union activity?

"Answer: Yes, I did.

"Question: When was this?

"Answer: It was a few months before I signed the union authorization card.

"Question: Would you keep your voice up and tell the Trial Examiner the entire occurrence?

"Answer: It was in reference to the union card which was on my bench.

"Question: Was the card signed at the time?

"Answer: No, it was not.

"Question: Where was it on your bench?

"Answer: It was on a shelf which ran along the bench.

"Question: Would you tell the Trial Examiner what happened?

"Answer: Well, Donald Cook had seen the card and told me to get rid of it."

Continuing on page 1492, after a discourse there.

"Trial Examiner: Did Cook say anything else other than tell you to get rid of the card?

"The Witness: No, he did not."

Q Did you ever tell Mr. Priete to get a union card off

his bench?

A Not specifically. I might have told him to clean off his bench because Sullivan is a bug on cleanliness and the literature and cards were spread out all over the place during this time,

Inother words, the fellows had left pieces of pamphlets and stuff all over the place.

But I never specifically pointed out his card or anything like that.

Q At 1492, at the bottom, Mr. Prieto continues to testify:

"Question: After you signed the card, did you have any conversations with Mr. Cook or Mr. Beltran? I mean regarding union activities?

"Answer: Yes. Mr.Cook had asked me if I had attended anyof the union meetings.

Question on page 1493:

"Question:What did you tell him?

"Answer: I told him I did not as I had a part time job which did not allow me to attend any of the meetings."

Q Did you ever ask Mr. Priete whether he attended union meetings?

A No, sir.

Q Do you know a Mr. Wall?

A Yes, sir.

Q Can you tell us who he was?

A He was an avionics inspector.

Q Mr. Wall has testified at this hearing. At page 1466, the top of the page:

"Question: Would you tell the Trial Examiner what Mr. Cook said to you and what you said to Mr. Cook in any of those conversations? And specify which one if you can.

"Answer: My conversation was more or less with Donald Cook concerning the union.

"Question: What did he say to you and what did you say to him?

"Answer: He asked me had I signed a union card.

"Question: And did you tell him?

"Answer: I told him that I had.

"Question: And you had in fact signed a card at that time?

"Answer: No, but I did sign a card after that time. This was a question that he asked me almost every day, really

Q Did you ever ask Mr. All whether or not he had signed a union card?

A No, sir.

Q Did you ever ask him whether or not he had gone to union meetings?

A No, sir.

Q Turning to Mr. Wall's testimony at page 1467, line 9:

"Question: And then you had conversations with them thereafter?

"Answer: Numerous occasions thereafter."

This is in reference to Beltran and Cook.

"Question: When was about the last occasion that they spoke to you about signing the union card?

"Answer: Just after I had actually signed the union card and had received my pocket card from the union. And I showed them this as proof indeed that I had signed a union card. "

Q Did Wallace Wall ever show you a union card of any kind?

A No, sir.

Q I turn to page 1468 where at the top of the page, where in answer to a question,Mr. Wall makes the following answer:

"Answer: Donald Cook and Al Beltran had informed me during these conversations that they had unpleasant experiences with union and they did not want a union at Gyrodyne."

Q Did you ever tell Mr. Wall that you did not want a union at Gyrodyne?

A No, we had discussions amongst the fellows at lunch time and some of the fellows, you know, might have talked about it. I might have made that statement to a whole,

you know, when we were in a group, but I never made it to Wall. In other words, this was personal opinion amongst the fellows at lunch.

Q You never made such a statement to Wallace Wall?

A To Wallace Wall as an individual, no.

Q Did Mr. Sullivan ever ask you to solicit grievances from employees?

A Yes, sir.

Q When was that?

A Approximately a month before the lay off, at least.

Q Can you place it in the month of May?

A In the month of May, yes, sir.

Q And did you speak to employees?

A Yes, I did.

Q What were the grievances you received from them?

A Well, they wanted a suggestion committee. They wanted a classification change. In other words, we were classified as inspectors and they wanted to be classified as technicians and they wanted, instead of an annual review, they wanted a semi-annual review.

Oh, better insurance program.

These were some of the things that I wanted myself.

Q Is that a life insurance program?

A Better hospitalization. It is $100 deductible and some of the fellows felt it was kind of rough on a fellow

with a lower income.

Q In the period of January through June, 1964, outside of Mr. Sullivan, who was the most senior man in the department in terms of length of service?

A Al Beltran, I'd say.

Q And who was next?

A I am.

MR. CURLEY: Those are all the questions I have.

TRIAL EXAMINER: Let's take a ten- minute recess.

Mr. Cook, will you return in ten minutes? In the meantime, please do not discuss your testimony with anyone.

(Short recess.)

TRIAL EXAMINER: On the record.

CROSS-EXAMINATION

Q (By Mr. Leiner) How often, Mr. Cook, had Mr. Sullivan previously asked you to solicit grievances among the employees?

A He never had. You mean before that?

Q Before this time.

A I can't recall. I don't recall him ever asking.

Q Do you know if he ever asked Mr. Beltran to solicit grievances?

A I don't know.

MR. CURLEY: I object to that, what Mr. Sullivan

P R O C E E D I N G S

TRIAL EXAMINER: The hearing will come to order.

ALBERT A. BELTRAN

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Curley) Would you give your name and address to the reporter, Mr. Beltran?

A Albert A. Beltran, 576 Herzel Boulevard, West Babylon, New York.

Q By whom are you employed, Mr. Beltran?

A Gyrodyne Company of America.

Q How long have you been employed by that company?

A It will be four years in August.

Q In what department do you work?

A Avionic inspection.

Q Who is your foreman?

A Jim Sullivan.

Q Do you have a title in that department?

A I'm a leadman.

Q Is there another leadman in that department or other leadmen in that department?

A Yes.

Q Who are they?

A Don Cook and Don Samuels.

Q Does Mr. Cook perform functions similar or work in the same general area as you do?

A Identical to mine.

Q How about Mr. Samuels, where does he work?

A He works in instrument calibration.

Q Is that an adjunct of Mr. Sullivan's function?

A Yes.

Q Is it physically located where?

A It is in the same area but all the -- but at one end.

Q In terms of length of service in the avionics inspection department, with the exception of Mr. Sullivan, who is the most senior employee?

A I am the most senior.

Q Do you have the power to hire employees?

A No, I do not.

Q Have you ever interviewed a prospective employee?

A I did not.

Q Do you have the power to fire any one, discharge anyone?

A No, I don't.

Q Can you suspend anyone?

A No, I can't.

Q On questions of discipline of employees, how are they handled, if such question arises?

A Well, usually if something occurs -- which hasn't-- I would see Mr. Sullivan.

MR. LEINER: Objection. The answer has now become speculative since it never happened.

TRIAL EXAMINER: It never happened, all right.

Q Do you have the power to adjust an employee's grievance?

A No, I do not.

Q Assume an employee presents a grievance to you, what do you do?

MR. LEINER: Objection.

TRIAL EXAMINER: Rephrase your question.

Q Has any employee at any time while you have been an -- a lead man in the Gyrodyne Company, presented a grievance to you?

A Well, normal course -

MR. LEINER: Objection.The answer is not responsive.

TRIAL EXAMINER: Let's cut through here.

Have employees come to you with grievances?

THE WITNESS: Minor grievances.

TRIAL EXAMINER: How have you disposed of them?

THE WITNESS: Usually I send them to Mr.Sullivan directly or I take the information and see Mr. Sullivan, depending upon the magnitude of the grievance.

Q Do you relay Mr. Sullivan's decision on the grievance

or action on the grievance to the employee?

A If that is the type of information that Mr. Sullivan wants passed back, yes.

Q Do you have the power to adjust a grievance on your own?

A Directly, no.

Q Your testimony is that the instrument calibration department is located adjacent to the area where you work?

A That's right.

Q And it has a leadman?

A Yes, it has.

Q Do you have the authority to transfer a man from the avionics inspection department to instrument calibration?

A No, I do not.

Q If such transfer becomes necessary, who is the person that accomplishes the transfer?

A Mr. Sullivan may direct one of his leadmen to ask the person to go to a new area or another area.

Q Do you have the power to grant a wage increase to an employee?

A No, I do not.

Q Do you have the power to grant overtime to an employee?

A No, I can't.

Q When overtime -- has there been periods of time when overtime was necessary in avionics inspection?

A You mean within the four year period?

Q That's correct.

A Yes. There has been overtime.

Q Who selected the individuals who were to perform the overtime work?

A Mr. Sullivan.

Q Did you ever select an individual to perform overtime work?

A No, I have never.

Q Do you maintain any personnel records?

A No, I do not.

Q Will you tell us, Mr. Beltran, how work is assigned in the avionics inspection department to the various employees therein?

A Well, Mr. Sullivan usually makes a point of stopping in the morning, bright and early, right after the bell rings at 7:30, and he l-oks over the schedule and he will ask one of his leadmen to appoint certain work, workloads to certain employees.

Q How much time does Mr. Sullivan -- strike that,please.

Is there a desk in the avionics inspection department?

A Yes, there is.

Q How many desks are there?

A There are two desks.

Q Willyou describe who generally uses each of these two desks?

A In the instrument calibration department, Don Samuels uses that desk.

Q And in the avionics inspection, your testimony is that there is another desk?

A That's right.

Q Who --

A This is Mr. Sullivan's desk.

Q Did you have occasion to use it?

A Yes.

Q Did you have occasion to observe Mr. Cook using it?

A Both of us.

Q In the period January through June 1964, wouldyou give us an estimate of the time, based on your observation, Mr. Sullivan spent in the avionics inspection department during the normal working day and in instrument calibration?

A Well, in the total department, I'd say he spent the majority of his day.

Q The majority of his time?

A The majority of his time.

Q How much of your time is spent or was spent during

the period January through June 1964 in actual inspection work?

A Actual inspection, again, it is the majority of time.

Q Your time --

A The majority of my time during the work day was spent at the bench inspecting.

Q Do you have the authority to grant a man time off?

A No, I do not.

Q Now, the people that work with you had a title, is that correct?

A I didn't understand that.

Q The people that worked with you had a descriptive title such as electronic technician or --

A Well, I believe at that time they were avionic inspectors.

Q And what qualifications did these people possess, to your knowledge, prior to their engagement by Gyrodyne?

A I only assume this. I don't know their individual backgrounds. I assume they all went through technical school in electronics.

Q Do you know if any of them had field training?

A I'm quite sure they did.

Q Did you check the work which was presented as completed by any of these people?

A I never checked their work.

Q Do you have a locker, Mr. Beltran?

A No, I do not.

Q Did anybody in that department have a locker?

A No, we do not.

TRIAL EXAMINER: Mr. Beltran, can I, whose knowledge of this sort of thing is very limited, and I can change an electric light bulb -- if I went in just completely without any knowledge of this inspection technique, how long would it take me to learn it, without any previous knowledge?

THE WITNESS: Probably about four, five years.

TRIAL EXAMINER: The inspectors, these technicians you say must have some instruction and some technical knowledge of the work before they --

THE WITNESS: Oh, they must, definitely. I am just not aware of the individual background.

TRIAL EXAMINER: I had formed the impression here that there is a considerable amount of technical training required before a man is turned loose as an inspector in avionics.

THE WITNESS: I would think so, yes.

Q Are you acquainted with a gentleman by the name of Robert Martinez?

A Yes, I am.

Q Mr. Martinez has testified at this hearing and I'm

going to read a portion of his testimony and I ask you to listen carefully to it.

On page 1163, line 22:

"Answer: This conversation -- if you want to call it a conversation, I will letyou judge this -- took place in February with both Mr. Beltran and Mr. Cook.

At that time the coffee break was just getting over with and I was standing around talking to some employees about the union.

At that time Beltran and Cook had come up more or less behind me. I hadn't seen them. And they told me I better get back to work."

Q Did you ever hear Robert Martinez discussing the union while he was in the employ of Gyrodyne?

A No, I hadn't.

Q Continuing on page 1164, line 8.

"Question: What was the next instance that you recall?

"Answer: This was about in May, I would say. Mr. Beltran came to me and said, "I know you are interested in the union," and engaged me in conversation concerning the union.

"I offered my opinion that a union worker gets higher wages, and Mr. Beltran made the statement, "Well, this is debatable.

a union coming into Gyrodyne as a great tragedy and that you would sooner quit Gyrodyne than see a union come in?

A No.

Q Or anything to that effect?

A No.

Q I'm going to read from page 1184 some testimony which Martinez also gave and I would ask that you listen to it very carefully.

On line 3, commencing on line 3:

"Question: Would you tell us when that was?

"Answer: Certainly. After the speech by Mr. Papadakos, this was about two days afterwards, I would say, or three days on a Monday, to the best of my recollection. Mr. Suliivan and Mr. Al Beltran came down and they were asking the employees if they had any girevances or, as they said, any gripes. They came to me and asked me if I had any grievances and I said, speaking directly to Al -- Mr- Sullivan was right next to Al -- I said, "Well, the only thing that's wrong with the company really is that we need a union. There is nothing wrong with the company that a good union couldn't fix."

Q Dwd Mr. Martinez ever make the statement to you in the presence of Mr. Sullivan or you individually to the effect that the only thing wrong with the company really is that we need a union and that there is nothing wrong

with the company that a good union couldn't fix?

A Yes, he did.

Q When did he say that?

A At this time that he so stated, although it is a little different in my memory than it is in his.

Q Will you tell us your version of it?

A Mr. Sullivan gave Don and I orders to go down and ask about the grievances of the fe-lows in the department. And the first person I approached was Mr. Martinez. And he had a paper that he had written about six to nine months before, that I do not know the text. It was something to do with inspection procedures or methods. And he probably had spent quite a bit of time on this. And he was sent to John Hollwedel who was the head of QC --

Q By QC, you mean what?

A Quality Control. And he never really got word back on it and he was a little perturbed about it. So actually he was discussing more about his paper than anything else. In fact, he had me for about 15 minutes, so his basic grievance was a personal one and then he followed with that statement that you have read.

Q Was Mr. Sullivan present at this time?

A No, he was not.

Q So that to the extent that he says that Mr. Sullivan was present, this is not an accurate statement?

MR. RUBENSTEIN: Objected to.

TRIAL EXAMINER: Why?

MR. RUBENSTEIN: Because it is a conclusion. He testified Sullivan was not present and then he repeats again the same question with a conclusion.

TRIAL EXAMINER: Sustained.

Q However, the portion I read to you is not the complete conversation, is that correct?

MR. RUBENSTEIN: Objected to. He testified what was the complete conversation.

TRIAL EXAMINER: Mr. Rubenstein, I am sitting here and I am listening to the testimony. I know what's been testified to and what was not.

Q Did you make an answer to him?

A Yes.

Q What was your answer?

A I told him that was his prerogative.

Q Do you know a Frank Lupardo?

A Yes, I do.

Q Were you friendly with Mr. Lupardo?

A Yes, I was.

Q He gave testimony at this hearing and I'm going to read from his testimony commencing at the bottom of page 1402 and I ask that you listen carefully to it.

"Question: Would you start from the beginning and

tell the Trial Examiner what the conversations were with Mr. Beltran?

"Answer: Well, Beltran would approach me, ask me about the union, what do you think about it. Do you think we need a union here?

"And I would say yes, we do. And we would go on from there. He had taken the company's side and I had taken the union's side and bring up various problems that usually arose. And we would argue about it. That was about it. But we had many talks about the union."

Q Did you have any conversations with Mr. Lupardo about the union?

A No.

TRIAL EXAMINER: What was Lupardo's job?

THE WITNESS: Actually, anyone that's an avionic inspector is an avionics inspector.

TRIAL EXAMINER: He worked in your department then?

THE WITNESS: Yes, he did.

TRIAL EXAMINER: He was one of the inspectors or technicians?

THE WITNESS: Yes, sir.

Q Do you know a Mr. Frank Vella?

A Yes, I do.

Q Will you tell us who that gentleman was?

A Who he was?

Q Yes.

A He was an avionics inspector assigned to calibration.

Q Now, Mr. Vella has testified at this hearing and his testimony in part appears on page 1208 from which I'm going to read.

Commencing on line 19:

"Answer: The morning following the meeting, I was in the calibration area and about a quarter after nine, Al Beltran and Don Samuels came to me.

"Question: Who is Al Beltran?

"Answer: They are both leadmen. They came to me around 9:15 and they said, "You better see Sullivan. He thinks you are a union organizer and you are going to get canned."

Q Did you ever make such a statement to Mr. Vella?

A No, I did not.

Q At any time?

A Never.

Q Did Mr. Sullivan ever tell you that he thought Frank Vella was a union organizer and he was going to can him or fire him?

A He didnot.

Q Do you know a gentleman by the name of August Priete?

A Yes, but remotely.

Q Did you have much to do with him while he was in the

employ of the company?

A Not very much, no.

Q Well, Mr. Prieto has testified at this hearing and his test-mony in part appears on page 1492 and he was asked a question, and I ask you to listen to these carefully, commencing on line 5:

"Question: Did you ever discuss the union with anybody else in the shop?

"Answer: Yes, I did.

"Question: With whom?

"Answer: With Al Beltran.

"Question: What did he say?"

Then the Trial Examiner asked the question:

"Trial Examiner: When was this conversation?

"The Witness: This was also a few months before I signed a card.

"Question: Will you tell the Trial Examiner when he said to you and what you said to him?

"Answer: We held a conversation and the subject got around to union organization and Mr. Beltran told me that sometimes the union or union organization sometimes hurt the company and the employees involved.

"I don't recall what my answer to that was."

Q Did you have a conversation with Mr. Prieto in which the subject of union was discussed?

A Never.

Q Do you know a Wallace Wall?

A Yes, I do.

Q Who was he?

A Who was he? He was an avionic technician in the department.

Q Mr. Wall testified at this hearing and his testimony in part appears on page 1466 and he was asked the question:

"Question: How about your conversation with Mr. Beltran?

"Answer: He had also asked me had I signed the union card."

Q Did you at any time ask Mr. Wall whether or not he had signed a card?

A No, I never did.

Q Continuing with Mr. Wall's testimony on page 1467. The question is asked on line 11:

"Question: When was about the last occasion that they spoke to you about signing the union card?

"Answer: Just after I had actually signed the union card and had received my pocket card from the union. And I showed them this as proof indeed that I had signed a union card."

There is some discourse.

The succeeding question is:

"Did Mr. Beltran voice an opinion about the union?"

The answer to that question appears at the top of page 1468:

"Answer: Donald Cook and Al Beltran had informed me during these conversations that they had unpleasant experiences with union and they did not want a union at Gyrodyne."

Q Did Wallace Wall ever tell you he had signed a card for the union?

A No, he didn't.

Q Did he ever show you a union card?

A No, he didn't.

Q Did you ever tell him, either individually or in the presence of Donald Cook that you had unpleaant experiences with union and that you did not want a union at Gyrodyne?

A Never.

MR. CURLEY: I have no more questions, Mr. Trial Examiner.

MR. LEINER: Mr. Examiner, may I have a moment to inspect the exhibits in evidence, please?

TRIAL EXAMINER: Yes.

CROSS-EXAMINATION

Q (By Mr.Leiner) I am a little unclear, Mr. Beltran,

A I'm not sure. I'm not sure.

Q Was it about that time?

A I would say it most likely was before, but I'm not positive about it.

Q How often had Mr. Sullivan directed you and Mr.Cook to inquire into the grievances of employees?

A That was the one and only time.

Q By the way, was Mr. Samuels also directed to inquire into the grievances?

A Not that I know of but I'm not sure.

Q Was Mr. Sullivan present with you when you discussed the grievances of the employees with them?

A He was down on the work floor but he wasn't directly with me. In other words, we have aisles. He wasn't in the aisle at the same time that I was.

Q Did you hear him discuss any grievances with any employees?

A Let's say I have seen him. I didn't hear him.

Q I mean at that time.

A At that time I had seen him but I didn't overhear him.

Q Now, I believe you testified in your direct examination that you had a conversation with Employee Martinez.

A Yes, sir.

Q Wherein he told you there was nothing in this

(Witness excused.)

THOMAS BOUSQUET

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Curley) Mr. Bousquet, will you give your name and address to the reporter, please.

A Thomas Bousquet, 119 West 19th Street, Huntington Station.

Q Mr. Bousquet, do you know a person by the name of Stewart Powell?

A I do.

Q By whom are you employed?

A Gyrodyne Company of America.

Q How long have you been employed there?

A It will be four years this October.

Q What department are you in?

A Inspection department.

Q Are you a leadman in that department?

A I am.

Q Were you a leadman in the period January through June 1964?

A I was.

Q Do you know a Stewart Powell?

A I do.

Q I am going to tell you that he has testified in this proceeding and I'm going to read you part of his testimony which appears on page 918 and I ask you to listen carefully to it.

"Question: Did you ever speak to any leadman with regard to the union?

"Answer: Yes, I did.

"Question: Who did you speak to?

"Answer: Roland Bacchus, Bernie LeBrun, Tom Bousquet. Those are the only leadmen I spoke to."

Q Did you have a conversation with Stewart Powell in regard to the union?

A No, sir.

Q During the period January through June, 1964?

A No, sir.

Q Or any other time?

A No, sir.

MR. CURLEY: Those are the only questions I have, Mr. Trial Examiner.

MR. LEINER: No questions.

TRIAL EXAMINER: Mr. Rubenstein?

You are excused. Thank you.

(Witness excused.)

BERNARD JOHN LeBRUN

a witness called by and on behalf of the Respondent, being

first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Curley) Willyou give your full name and address to the reporter, Mr. LeBrun?

A Bernard John LeBrun, 4 Putnam Court, Commack,New York.

Q Who are you employed by?

A Gyrodyne Company.

Q How long have you been employed there?

A About three and a half years.

Q What department are you in?

A Mechanical inspection.

Q Are you a leadman in that department?

A Yes, sir.

Q Were you a leadman in the period January through June 1964?

A Yes, sir.

Q Do you know an individual by the name of Stewart Powell?

A Yes, sir.

Q I am ging to tell you that he testified at this hearing and I'm going to read a portion of his testimony which appears on page 918.

"Question: Did you ever speak to any leadman with regard tothe union?

"Answer: Yes, I did.

"Question: Who did you speak to?

"Answer: Roland Bacchus, Bernie LeBrun and Thomas Bousquet. Those are the only leadmen I spoke to."

Q Did you ever have any conversation with Mr. Powell with regard to the union at any time during the period of January through June 1964, or at any time?

A No, sir, I never did.

MR. CURLEY: Those are the only questions I have.

MR. LEINER: No questions.

TRIAL EXAMINER: Mr. Rubenstein?

MR. RUBENSTEIN: No questions.

TRIAL EXAMINER: Mr. LeBrun, did you ever hear the union discussed among any group of men in which Mr.Powell was present?

A Well, in the morning when leaflets were passed out, as I came in, I could see the fellows discussing the leaflet but that leaflet was all over the place and conversations were going on about it but I couldn't specifically say that -- that Stu Powell was part of it.

TRIAL EXAMINER: Thank you. You are excused.

(Witness excused.)

ROLAND BACCHUS

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Curley) Mr. Bacchus, would you give the reporter your full name and address, please?

A Roland Bacchus, 3999 Demont Road, Seaford.

Q Mr. Bacchus, who are you employed by?

A Gyrodyne Company of America.

Q How long are you employed by Gyrodyne?

A It will be three years in September.

Q In what department are you in?

A Receiving inspection.

Q Is that a portion of mechanical inspection?

A It is.

Q Are you a leadman in that department?

A I am.

Q Do you know a Stewart Powell?'

A I do.

Q I am going to tell you that Mr. Powell has testified in this proceeding and I'm going to read a portion of his testimony to you which appears on page 918.

"Question: Did you ever speak to any leadman with regard tothe union?

"Answer: Yes, I did.

"Question: Who did you speak to?

"Answer: Roland Bacchus, Bernie LeBrun, Tom Bousquet. Those are the only leadmen I spoke to."

I'm going to ask you whether or not you ever had a conversation with Stewart Powell in the period of January through June, 1964 or at any time with Stewart Powell concerning the union?

A No, sir.

Q I refer you to page 922 of the testimony in which Mr.Powell is also testifying and the question is asked of him:

"Question: When was this conversation thatyou had with him after you were terminated?

"Answer: About the second week of July, 1964.

"Question: Would you tell the Trial Examiner where it took place?

"Answer: It took place at my address and we were out in the back and I was helping him set up his boat, and I asked him, I said, "After you put me on the transmission job and I thought it was a good job, why did I get laid off, especially after you just got me a raise?"

And he told me, "Well, you got involved."

Then I asked him "I got involved with what?"

He looked at me and he said, °You know what I'm talking about."

Q Did you ever put Mr.Powell on the transmission job?

A No,sir, I didn't.

Q Was Mr.Powell on the transmission job?

A Yes.

Q Who put him on it?

A The foreman. Buddy Hauck.

Q Did you ever get Mr. Powell a raise?

A No, I didn't.

Q Did you ever tell him when he asked you why he got laid off, did you ever make the remark to thim, "Well, you got involved?"

A No, sir.

Q Did he ever ask you why did I get laid off?

A Well, this he did, yes.

Q Did he ask you that in the second week in July in his boatyard?

A Yes.

Q What answer did you give him?

A I told him he was part of the lay off.

Q Do you know an individual by the name of Puterio?

A Yes.

Q Will you tell us who hewas?

A He was another mechanical inspector in receiving inspection.

Q Mr.Puterio testified at this proceeding and I'm going to read you from page 1117 of his testimony and ask that you listen carefully.

"Question: Did you have any discussions with him

with regard to the union?

"Answer: Yes.

"Question: Would you tell the Trial Examiner what these discussions were and when they were?

"Answer: Well, I told him that I -- almost about the same thing I told Mr. Hauck. I always said we needed a union in there.

"Question: What did he say to you?

"Answer: He didn't say anything. Wait, let's see. He just didn't like unions. period. He was against unions, period.

"Question: What did he say?

"Answer: He said unions don't do any good for anybody. He said something in reference to a guy who is lazy or something needs a union. Another guy doesn't need a union. Inferring in that direction."

Q Did you ever have a conversation with Mr. Puterio in regard to a union?

A No, sir.

Q Did he ever tell you that we needed a union in Gyrodyne?

A No, sir.

MR. CURLEY: No more questions, Mr. Trial Examiner.

CROSS-EXAMINATION

Q (By Mr. Leiner) Do you evaluate employees with

regard to periodic wage increases?

A Well, I initially startit, yes, sir.

Q Is there a form that you use in the company --

MR. CURLEY: I object to the question on the grounds it is not within the scope of the direct examination.

TRIAL EXAMINER: Oh, I'll permit it to stand.

Do you initiate wage increases in your department?

THE WITNESS: No.

MR. LEINER: No further questions.

TRIAL EXAMINER: Mr. Rubenstein?

MR. RUBENSTEIN: No questions.

TRIAL EXAMINER: You are excused. Thank you.

(Witness excused.)

HARRY HOFFMAN

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Curley) Mr. HRffman, will you give your name to the reporter, and address?

A Harry Hoffman. 8 Hastings Road, Massapequa, Long Island.

Q Who are you employed by, Mr. Hoffman?

A I am employed by Gyrodyne Corporation and I work for Mr. Caliendo, Anthony Caliendo.

Q How long have you been employed by Gyrodyne?

A Three years.

Q Do you have a title at this point?

A Yes, sir. Property Administrator.

MR. LEINER: I would object and ask the answer be struck unless it is connected with the time during which the complaint --

TRIAL EXAMINER: We will get there.

Q In the period January through June, 1964, did you have a title?

A Yes.

Q What was that title?

A Property Administrator.

Q Would you tell us what your functions and duties as Property Administrator were at Gyrodyne?

A I was the coordinator for the company and the government, namely relative to the handling and controlling of all government property in the Gyrodyne's possession. I maintained records of all government property to make sure that they were properly controlled in accordance with the government regulations as well as the company standard practice instructions.

That was basically the functions.

Q You reported to Mr. Caliendo, is that correct?

A That's right.

Q Did you have people reporting to you?

A Yes, sir.

Q During the period January through June, 1964?

A Yes.

Q Who were these people? Would you name them?

A I had Mr. Tortorelli, Mr. Hendrickson, Irwin O'Leary, John Donohue, Jack Burke. Well, this was approximately, I believe, 30 some odd people. I just can't remember them going down the line.

Q But the names of the people you have given us are what, leadmen?

A That's right.

Q Was Donohue a leadman?

A Donohue was a packaging specialist.

Q Was there a Mr. Zafrano involved in that?

A Yes.

Q He was a leadman?

A Yes.

Q What was his function?

A He was in charge -- leadman, rather, in the warehouse. Stock control. He maintained surveillance of incoming and outgoing receipts of government property.

Q Are you familiar with a couple of ex-employees by the name of Svandrlik and Giovanniello?

A Yes.

Q Did they have a leadman?

may not have had?

A No.

Q You testified that you were familiar with two ex-employees of Gyrodyne by the name of Svandrlik and Mr. Giovanniello, is that correct?

A Yes.

Q Will you tell us again who they reported to?

A Mr. Svandrlik and Giovanniello reported toJack Burke.

Q Who, in turn, reported to?

A Mr. Donohue.

Q Who, in turn, reported to?

A To myself.

Q Did Mr. Burke or Mr. Donohue have the authority to change anybody's classification?

A Negative.

Q Did they have the authority to grant wage increases?

A Negative.

Q Did you have the authority to grant the wage increases?

A Negative.

Q Did you ever have any information as to whether or not Mr. Giovanniello was a member or interested in any union?

A No.

Q Did you ever question Mr. Giovanniello concerning his feelings toward any union while he was in the employ of Gyrodyne?

A No.

Q Did there come a time when Mr. Giovanniello and Mr. Svandrlik were separated from the employ of Gyrodyne? Were discharged?

A Yes.

Q Will you tell us how that came about?

A Yes.

Q Excuse me. I withdraw the question. No, I don't withdraw the question.

Would you answer the question, please?

A Mr. Giovanniello and Mr. Svandrlik were boisterous. They were continuously making derogatory remarks to me. They were stopping other employees from working. Always making jokes. In other words, they were not serious about their operation at all. They were just continuously in a frame of mind of coming in and fooling around and just more or less passing the time.

Q Prior to the time of their discharge, did you have occasion to reprimand each of them with regard to their conduct?

A Yes.

Q On how many occasions?

A Mr. Svandrlik, a minimum -- I say of three times. Mr. Giovanniello, I say a minimum of at least twice.

Q Did you actually discharge them by your own action?

A No.

Q Who did?

A Mr. C!liendo.

Q Will you tell us how this came about?

A Yes. I had some visitors, visiting dignitaries, namely, Navy personnel,in my office. They were auditing my records. We were making a survey of my property records on the floor to insure that my balance agreements were in accord with my records.

Mr. Svandrlik and Mr. Giovanniello at that time were joking around and they were in a state of, a frame of mind that they were making quite a bit of noise where they were interrupting my activities with the Navy.

This grew so loud that even it affected me in my office. At that point, I excused myself from the Navy and I went to see Mr. Caliendo and I asked Mr. Caliendo at that point to please take action because I could not bear it any longer. It was to a point now that it actually was affecting my work with the Navy, which I was responsible for in my record-keeping.

Q And following that --

A Mr. Caliendo sanctioned thedischarge.

Q Do you have such a thing as a class A packer in Gyrodyne?

A No.

Q There is no such job classification?

A No, sir.

Q Was there ever such a job classification?

A No, sir.

Q In the event that -- in the ordinary course of events in Gyrodyne practice, would any promotion or prospective promotion or prospective change of classification for Giovanniello or Svandrlik, could these things be done or made without your knowledge?

A No.

Q Mr. Svandrlik and Mr. Giovanniello have testified in effect, that on the day of their discharge or a short time prior thereto, they were advised by either Mr.Burke or Mr. Donohue, or both of them, that they were being promoted to Class A packagers.

Is such a thing -- did you ever indicate to Mr.Burke or Mr. Donohue that Giovanniello or Svandrlik were going to be upgraded to Class A packers?

A No.

Q Now, Mr. Svandrlik has testified in this hearing. I'm going to read you a portion of it and ask that you listen to it very carefully, Mr. Hoffman.

Appearing on page 311.

"Question: I see. What did you say to Mr. Hoffman and what did he say to you with regard to the union?

"Answer: He said,"This is a pretty nice outfit. Why do you want to have a union in here?"

"I says, "For things like what's going on now."

Q Did you ever say -- strike that,please.

MR. RUBENSTEIN: May I, at this time, ask, apparently the counsel in reading turned from page to page, backward and forward.

I think he ought to tell us which page he is reading from.

I saw him turning a page backward and again reading from it. I thought he continuously reads it as it appears in the testimony.

MR. CURLEY: I have indicated any skipping of text, Mr. Trial Examiner.

MR. RUBENSTEIN: Did you go back just now a page?

MR. CURLEY: Mr. Trial Examiner, I have indicated any portion of the text I skipped.

TRIAL EXAMINER: Is there a pending question, Mr. Reporter?

Ten minute recess.

(Short recess.)

TRIAL EXAMINER: On the record.

Q Mr. Hoffman, did Mr. Svandrlik ever make the remark which I read to you, which is, "in plain English, I said it was a pretty crappy outfit and that's why they should

have a union for things like this"?

A No.

Q And did you ever make the reply to him, to that remark,"this is a pretty nice outfit, why do you want to have a union in here"?

A No.

Q Reading from another section of Mr. Svandrlik's testimony, he says that he spoke to you in the first part of 1963 and at the top of page 319, he says:

"Answer: At that time I said, it was explained to me when I first came here that I should have gotten a raise after a period of time. I said maybe that's why they should have a union here. If they don't live up to what they tell you basically when you come in as a hire and so forth, that with no union I guess we have no voice here and it just goes on."

Q I ask you the question, did Mr. Svandrlik ever complain to you about never being given a raise?

A Yes.

Q Did he ever tell you that his failure to get a raise was one of the reasons why they should have a union in Gyrodyne?

A No.

Q At page 321, line 15, Mr. Svandrlik, in response to a question states: "I made several statements. In fact,

he should be out of here. Maybe if they had a union, they could segregate this area where office and working areas were not in the same area."

Did Mr. Svanderlik ever make that remark to you?

A No.

TRIAL EXAMINER: I got the impression, when Mr. Svanderlik was testifying, that after he had been admon - ished about making noise at his work, that he said if they segregated these areas, put them further apart,then nobody will be disturbed by the noise.

Do you recall any such statement made by him?

THE WITNESS: No, sir.

TRIAL EXAMINER: Or any discussion about that?

THE WITNESS: No, sir.

Q Mr. Svanderlik testified, beginning on page 321, that in the summer of 1963 -- Mr. Rubenstein asked the question:

"Question: To make it more specific, was that af- ter you signed your card already, or before?

"Answer: TLat was after I had signed the card and I informed him. I said I had taken steps maybe to get a union here by signing a card.

"Question: You told that to Mr. Hoffman?

"Answer: Yes.

"Question: Was there anyone else present at the time?

"Answer: Well, everybody was in earshot because it was a confined area. All the office personnel and warehouse people."

Q Did Mr. Svanderlik ever tell you in the summer of 1963 or at any other time, that he had taken steps to get a union into Gyrodyne?

A No.

Q Did he ever tell you that he had signed a unioncard at any time?

A No.

Q Did Mr. Svandrlik ever tell you, when he complained about his failure to get a raise, that the union would be a good thing?

A No.

MR. CURLEY: I have no more -- I have one more question.

Q Is Mr. Tortorelli still in the employ of Gyrodyne?

A No.

MR. CURLEY: Those are all the questions I have.

CROSS-EXAMINATION

Q (By Mr. Leiner) You testified, I believe, that Giovanniello and Svandrlik were boisterous, is that right?

A Boisterous.

Q And that they stopped employees from working?

A That is correct.

TRIAL EXAMINER: You are excused.

(Witness excused.)

TRIAL EXAMINER: I didn't say I would refuse it but I said I will take some convincing on your part to me to try a case that way.

MR. LEINER: It is still my opinion that the evidence regarding the animus is overwhelming.

TRIAL EXAMINER: It may be, it may not. It is most peculiar, it is most odd.

DONALD G. SAMUELS

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Curley) Mr.Samuels, will you give your full name and address tothe reporter,please.

A Donald G.Samuels, Quaker Path, Setauket.

Q Who areyou employed by?

A Gyrodyne Corporation of America.

Q How long have you been employed by them?

A Approximately three years.

Q What department are you in?

A Instrument calibration.

Q Who is your foreman in that department?

A Jim Sullivan.

Q Does he have the avionics inspection department

under --

A Yes.

Q Where physically is your department located with regard to avionics inspection?

A It is right adjacent to it.

Q Who are the two leadmen in avionics inspection?

A Don Cook and Al Beltran.

Q Are you a salaried or an hourly rated employee?

A Hourly.

Q Do you have the authority to hire any employees?

A No.

Q Can you fire an employee?

A No.

Q Can you suspend an employee?

A No.

Q Can you discipline an employee?

A No.

Q Can you adjust an employee's grievance?

A No.

Q Can you grant overtime?

A No, sir.

Q Has there ever been overtime in your department?

A Yes.

Q Who selects the individual who is to perform the overtime?

A Jim Sullivan.

Q Can you grant a wage increase?

A No.

Q Can you transfer a man from the instrument calibration department where you are the leadman, into avionics inspection?

A No.

Q Who does that if it is necessary?

A Jim Sullivan.

Q Would you tell us how the flow of work is managed in the instrument calibration department?

A Well, it is diaried. It goes up by dates. Each piece of equipment has the calibration frequency on it and we keep a card file by due date. Every day we just open the file and go to cards that are on that current date that are due.

Q Now, these instruments you calibrate, are they used in the Gyrodyne plant?

A Yes.

Q I assume they are calibrated so that they maintain their accuracy and efficiency?

MR. LEINER: Mr. Examiner, Mr. Curley's assumptions are not in order. He is leading the witness. This is not proper examination.

I object to it.

Q Why are they calibrated, Mr. Samuels?

A They are calibrated to maintain the accuracy required by the government.

Q And are they calibrated on a regular periodic --

MR. LEINER: I object. Same objection.

Q How often are they calibrated?

A It varies with different pieces of equipment.

Q Is the time interval between the calibrations of each instrument of identical type the same?

MR. LEINER: Same objection. This is improper direct examination.

TRIAL EXAMINER: Mr. Curley, in order to avoid all this, will you please conform to the technical rule and not lead the witness in any respect whether the question be material or immaterial; ask direct questions. See if we can have free, clean pages of record, for once.

Q What are some of the instruments you calibrate in that department?

A Oscilloscopes, signal generators, voltmeters,a-l types of electronic test equipment.

Q Oscilloscopes, voltmeters and what else?

A Signal generators.

Q Anything else?

A Numerous types of equipment; vacuum tube voltmeters.

Q Oscilloscopes; what is the interval of time between

A Yes.

Q And does this time schedule --

MR. LEINER: Mr. Examiner, would you note my objection to the entire line, both as to form and substance?

TRIAL EXAMINER: I note your objection to the leading questions which are being asked and everything else you mentioned.

Q What determination - what determines the flow of work in your department?

A The flow of work? Well, just the work that has to be gotten out by due dates on the equipment.

Q Do you assign work in your department, in instrument calibration?

A No. Other than I look at the card and see what equipment is due for that day.

Q Do you have the power to grant a man time off?

A No.

Q Do you keep any personnel records?

A No.

TRIAL EXAMINER: Let me see if I understand this correctly.

Mr. Samuels, you are the night leadman, is that correct?

THE WITNESS: No.

TRIAL EXAMINER: You are on the day shift?

THE WITNESS: That is correct.

TRIAL EXAMINER: All of these various instruments which come through your shop have a card, you have a card index and on one of these cards, it is noted the day, the time, the nature of the work to be done on the instrument when it comes back for which you call calibration?

THE WITNESS: That's right.

TRIAL EXAMINER: So it is a routine mathematical or organized scheduling of work periodically from time to time?

THE WITNESS: Right.

TRIAL EXAMINER: On a particular piece of -- on a particular instrument?

THE WITNESS: That's right.

Q How much time-- strike that, please.

In the period January through June 1964, how much time did you spend in actual calibrating of instruments?

A Practically all my time is spent doing that.

Q Does Mr. Sullivan spend -- strike that, please.

From the instrument calibration area, can you observe the avionics inspection department, either in whole or in part?

A Yes.

Q Is there a partition between the two?

A No.

Q Can you estimate for us what percentage of the working day Mr. Sullivan spends in the instrument calibration department and in avionics inspection department?

A together you mean?

Q All together, yes.

A Most of his day.

Q When a man in instrument calibration finishes a job, do you check it?

A No.

Q Do you know a Mr. Frank Vella?

A Yes.

Q Mr. Vella has testified at this hearing, Mr.Samuels, and he has testified as follows, and I'm reading from page 1208:

"Question: Would you tell the Trial Examiner what happened after you had come to that meeting?

"Answer: The morning following the meeting, I was in the calibration area and about a quarter after nine, Al Beltran and Don Samuels came to me.

"Question: Who is Al Beltran?

"Answer: They are both leadmen. They came to me around 9:15 and they said, "You better see Sullivan.. He thinks you are a union organizer and you are going to get canned."

The next question by Mr. Leiner:

"Question: Did they come to you together?

"Answer: No, it was about a five minute interval between each.

_Question: Did they both say the same thing to you?

"Answer: They said exactly the same thing."

Q Did you ever say to Mr. Vella, "You better see Sullivan. He thinks you are a union organizer and you are going to get canned"?

A No.

Q DVd Mr. Sullivan ever say to you that he thought Mr. Vella was a union organizer, or a union member and he was going to fire Vella?

A No.

MR. CURLEY: Those are all the questions I have, Mr. Trial Examiner.

CROSS-EXAMINATION

Q (By Mr. Leiner) Mr. Samuels, were you ever a leadman on a night shift?

A No.

TRIAL EXAMINER: Let's see, we have Mr. Cook and Mr. Beltran are two leadmen in avionics--

THE WITNESS: Inspection.

TRIAL EXAMINER: You are a leadman in instrument calibration?

THE WITNESS: That's right. But it all comes under

A Joseph M. Bruno. 90 Columbus Avenue, Farmingdale, New York.

Q Mr. Bruno, who are you employed by?

A Gyrodyne Company of America.

Q How long have you been employed by them?

A About two and a half years. It will be three years in November.

Q And in the period January through June, 1964, what were your duties?

And if they weren't the same throughout the period, just designate --

A It was part receiving, leadman in receiving department.

Q What period of time?

A I guess up until about May or June. I would say about May.

Q And after May?

A Then I went into the shipping part.

Q You say the shipping part of what?

A Of Gyrodyne. The shipping department. Shipping and packaging.

Q So from January to May, you were leadman in the receiving department of Gyrodyne?

A That's right.

Q And after that you were transferred to a leadman

in the shipping department of Gyrodyne?

A Right.

Q When you were in the receiving department, who did you report to?

A Lou Alfieri.

Q And when you went to the shipping department, who did you report to?

A Harry Hoffman.

Q Do you know an employee, an ex-employee of Gyrodyne, by the name of Carmine Dota?

A Yes.

Q Where was he working? Was he working with you?

A Well, he was part of the shipping area. He ran the postal meter.

Q Now, Mr. Bruno, I'm going to show you an exhibit. I show you, Mr. Bruno, Respondent's Exhibit 15 in evidence and I ask that you read the entire thing, including the date and all other material on the page.

Have you read it?

A Yes.

Q Did you prepare that Respondent's Exhibit 15?

A No, I didn't.

Q Who was that prepared by?

A Carmine Dota.

Q Will you tell us the circumstances as completely as

you can surrounding the preparation of that paper?

A Well, we stopped at his parcel post -- the company stopped shipping the parcel post so I put him on to preparing the work for the packers and he said he couldn't do it and he wanted to be laid off.

So I went to Mr. Caliendo and explained the situation and told him.

Mr. Caliendo said to get a letter in that form.

So I went back to Carmine and asked him, that he had to write a letter that he wanted to be laid off.

Q Did you dictate the letter to him?

A No.

Q Did you suggest the contents of the letter, except for its objective?

A No.

MR. LEINER: Mr. Examiner, may my objections be noted as to be forms of these questions?

TRIAL EXAMINER: Yes.

Q Who typed that letter?

A Carmine Dota.

Q Where were you when it was typed?

A In the area somewheres.

Q Did you observe him type the letter?

A No, I didn't.

Q Now I am going to read you a portion of the testimony

of Mr. Dota on page 1507.

Commencing on line 2, his answer is:

"Answer: Yes. I reported for duty that morning and my supervisor told me that my job had -- will be eliminated.

"Question: Who is your supervisor?

"Answer: Mr. Bruno was my supervisor at the time.

"Question: What did he do?

"Answer: Well, I asked him what type of work would I be doing so he gave me some heavy equipment to pack, which I find that it was very hard for me to do that type of work.

"Question: So what happened then?

"Answer: Then he goes over to the main office and comes back and tells me that I had to write a letter to the effect.

"Question: To what effect?

"Answer: To the effect I couldn't do the work and I request to be laid off."

Q Did he tell you prior to your going to the office that he wanted to resign?

A Yes.

Q Did you give him heavy equipment to pack?

A No, sir.

TRIAL EXAMINER: If I heard counsel correctly, Dota

said that you, Mr. Bruno, told him that he had to write a letter.

Did you tell him that he had to write a letter?

THE WITNESS: Well, he told me he wanted to be laid off. So I went to Mr. Caliendo and told him what Carmine told me that he wanted to be laid off.

So Mr. Caliendo said if he wants to be laid off, ask him to write a letter of resignation, ask a letter to that effect, that he wanted to be laid off.

That's when I went back to Carmine and asked for the letter.

Q Are you familiar with the name of Lodato?

A Yes, sir.

Q Who is Lodato?

A He was an inspector.

Q Mr. Lodato has testified here and I'm going to read a portion of his testimony to you and ask that you listen to it very carefully.

On page 693:

"Trial Examiner: Now, Mr. Lodato, you told us that you asked Mr. Bruno if he had seen any union literature.

"The Witness: Yes, sir.

"Trial Examiner: Will you continue from there and tell us the rest of the conversation?

"The Witness: I would like to, yes. I asked him

if hehad gotten any union literature because there was something good on the literature that morning. And he told me he didn't want to even bother with it because he felt that anyone that would want to join a union had to be lazy. He says onyone that wants to be a union man would want to get away with work, had to be lazy to join a union

"I told him it isn't so. I belonged to the UAW before this, in Fairchild Engine Division, and I thought it was a very good union. I was in it for seven years. So, therefore, that union was all right as far as I was concerned.

Q He further states you made no answer to his last remark.

Did you ever discuss union literature with Mr. Lodato?

A No, sir.

Q Did you ever tell him that anyone who would want to join a union had to be lazy?

A No, sir.

Q Did you ever suggest or tell to him that a union man -- excuse me -- that anyone who wants to be a union man would want to get away with work and had to be lazy to join a union?

A No, sir.

Q Did you ever discuss union activities with Mr.Lodato at all?

A No, sir.

Q Do you know whether Mr. Lodato had joined a union, had gone to meetings or was sympathetic with the union?

A No, I didn't.

Q Did you ever discuss any of the union pamphlets or throwaways with Mr. Lodato in any manner?

A No, sir.

Q I read from page 733 of Mr. Lodato's testimony:

"Question: Right in front of Mr. Bruno, you said to Mr. Zafrano, you want to come to a union meeting with me tonight?"

"Answer: Open meeting. Not tonight. June 3rd.

"Question: A union meeting?

"Answer: An open meeting.

"Question: A union meeting?

"Answer: Yes, a union open meeting.

"Question: And Mr. Bruno then walked away, is that correct?

"Answer: He turned around and while he was turned around, Mike Zafrano said right in front of him loud enough because Mr. Zafrano is not a soft-spoken man -- he said, "Frank, you better keep your big mouth shut or you are going to get in trouble" and I'm sure the whole plant

heard it. Couldn't avoid it. And I did keep quiet after he said that.

"Question: Both of these conversations were just before the open meeting of June 3, is that correct? The open meeting of June 3rd?

"Answer: Correct."

Q Did you ever hear Mr. Lodato invite leadman Zafrano to an - to a union meeting?

A I did not.

Q An open or closed union meeting?

A No, sir.

Q Did you ever hear Mr. Zafrano say to Mr. Lodato, "Frank, you better keep your big mouth shut or you are going to get in trouble?"

A No, sir.

Q Were you ever cautioned by anybody in a supervisory capacity with Gyrodyne to interrogate employees or -- about their union membership or inquire into their union membership?

A No, sir.

Q Or activities?

A No, sir.

Q Do you know Mr. Michael Billone?

A Yes, sir.

Q Strike that question.

Did you ever discuss union matters or union activities with Mr. Lodato in any way, shape or form at any time?

A No, sir.

Q Do you know Mr. Michael Billone?

A Yes, sir.

Q Who is he?

A He was inspector.

Q I'm going to read to you a portion of his testimony that he gave here and I ask you to listen carefully to it.

On page 748, line 16:

"Question: Mr. Billone, did you ever tell anyone that you had signed a card for the union who was employed by the Gyrodyne Company of America?"

There is some discourse, the answer appearing at line 24 is:

"Answer: Yes, I have.

"Question: Who did you tell?"

Going over to page 749, line 3:

"I told Mr. Bruno and Mr. Zafrano and a few other fellows that were in the same group of the packaging area.

"Question: When did you tell them?

"Answer: Around March or April.

"Question: Of what year?

"Answer: 1964."

And then further on down the page:

"Question: What did you tell Mr. Bruno with regard to the card?

"Answer: I told him I sent the card in. We had a dispute about the union and I was arguing that it was -- I was in favor of it. And he said, "Well, did you send the card in?

"And I said, "Yes, I did. I thought we needed the union there the way things were running."

Q Did Michael Billone ever tell you in the presence of Mr. Zafrano or anybody else or did he ever tell you individually that he had sent a card into the union?

A No, sir.

Q Did you ever have a dispute with Mr. Billone about the union?

A No, I didn't.

Q Did you ever ask Mr.Billone whether or not he had sent a card in?

A No, sir.

Q Did he ever tell you that he thought we needed a union the way things were running in the plant?

A No, sir.

MR. CURLEY: I have no more questions, Mr. Trial Examiner.

CROSS-EXAMINATION

AFTER RECESS

(Whereupon, at 1:45 p.m., the hearing was resumed pursuant to the taking of the recess at 12:25 p.m._

TRIAL EXAMINER: On the record.

DOMINICK AVERSANO

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Curley) Mr. Aversano, would you give your full name and address to the reporter, please?

A Dominick Aversano, 46 Chapel Hill Drive, Brentwood, New York.

Q Mr- Aversano, who areyou employed by?

A Mr. Caliendo.

Q And who is Mr. Caliendo employed by?

A Gyrodyne Company of America.

Q Who is your supervisor?

A Mr. Caliendo.

Q How long have you been employed by Gyrodyne?

A About two and a half years.

Q What is your job at Gyrodyne?

A I am supervisor of expediting and dispatching.

Q Will you tell us generally what the functions of your department are?

A We control the flow of material through from the

time it comes into the plant through the assembly areas and into the machine shop until it goes out, the finished product goes out the door.

Q Did you hold this position in the period January through June, 1964?

A Yes, sir.

Q Do you know the name Richard Waltz?

A Yes, sir.

Q At one time was he working under you at Gyrodyne?

A Yes, sir.

Q When did he commence working under you at Gyrodyne?

A Oh, I'd say the spring of '64, around that area. I don't recall the actual date.

Q Prior to that he worked for somebody else at Gyrodyne?

A I believe he come from Mr. Alfieri.

Q Did there come a time when Mr. Waltz was discharged?

A Yes.

Q Will you tell us the circumstances surrounding the discharge?

A Every time I gave Mr. Waltz an errand to do or a chore to do, this was part of his job, he downgraded me in front of people. He was very abusive in his language and he more or less did the job afterwards but it took a lot of pain getting him to do the job.

Q Did there come a time when you reported this situation to Mr. Caliendo?

A Yes, I did.

Q When was that?

A I guess in around spring time. Around June some time. The early part of June.

Q Did you discuss Mr.Waltz' conduct with Mr. Caliendo?

A I certainly did.

Q Did you make a recommendation to Mr. Caliendo?

A I made a recommendation that we discharge the employee.

Q What did Mr.Caliendo do?

A He took my recommendations and discharged the employee.

Q Was the fact -- strike that,please.

Did union activities or membership, if any, by Mr. Waltz, have anything to do with the discharge of this man?

A No, definitely not.

MR. CURLEY: Those are all the questions I have, Mr. Trial Examiner.

CROSS-EXAMINATION

Q (By Mr. Leiner) Mr. Aversano, did you ever recommend Mr. Waltz for a raise in pay?

A I don't remember doing so.

EDWARD ROGIENSKI

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr.Curley) Would you give the reporter your full name and address, Mr. Rogienski?

A Edward Rogienski, 25 Elliott Avenue, Centereach, Long Island.

Q Mr. Rogienski, who are you employed by?

A Gyrodyne Company of America.

Q How long have you been employed by that company?

A A little over five years.

Q And in the period of January through June, 1964, what was your title?

A Maintenance foreman.

Q And what were the functions of you and your department in that period of time?

A Well, my department was to take care of maintenance problems as far as electrical, carpenter, plumbing, building maintenance chiefly.

Q Did your people do the sweep-up work?

A No, sir.

Q Who did that?

A Allied Maintenance.

Q Did Allied Maintenance people have the run of the plant?

A Yes.

Q Do you know an Edward Pacilio?

A Yes.

Q Now, Mr. Pacilio has testified at this hearing and I'm going to read you a portion of his testimony, and I ask that you listen to it very carefully.

Commencing on page 1136:

TRIAL EXAMINER: Who is this you are talking about?

MR. CURLEY: Pacilio.

"Question: Did there come a time, Mr. Pacilio, that you had a conversation with any supervisor or leadman with regard to a union card?

"Answer: Well, we did have a discussion once.

"Question: Who was that with?

"Answer: With Ed Rogienski.

"Question: When was this?

"Answer: This was a few months prior to my termination.

"Question: Where did it occur?

"Answer: In Building 7, the hangar.

"Question: What part of the Building 7?

"Answer: By the big doors there."

And it goes on and the question finally is asked

again at page 1137, line 3:

"Question: Did you have a conversation with him? Yes or no?

"Answer: Yes.

"Question: Will you tell the Trial Examiner what the conversation was?

"Answer: Well, Mr. Rogienski picked up a UAW card that was laying on the floor and asked me to send it in to be filled out.

"So I says I had already done that. And with that, he laughed about it and threw it into the wastebasket."

Q Now, Mr. Rogienski, did you ever pick up a UAW card and ask Mr.Pacilio to send it in?

A No, sir.

Q Did he ever tell you at any time that he had already sent a union card in?

A No, sir.

Q Now, Mr. Rogienski, did there come a time when Mr. Pacilio was discharged from the employ of Gyrodyne -- excuse me. May I withdraw that question?

In the course of your duties, did you have an opportunity to observe the work of Mr. Pacilio?

A Yes, I have.

Q Did there come a time when Mr.Pacilio was discharged from Gyrodyne?

A Yes, there was.

Q Will you tell us the circumstances of that?

A Well, I believe it was a few months after he got his raise that his work output was getting slow. He wasn't really putting out as much work as I thought he possibly could.

So I spoke to Mr. Ackles that I thought that we should -- that he should be discharged.

Q And did Mr. Ackles accept your recommendation?

A That he did.

Q Did you know whether or not Mr. Pacilio had ever engaged in any activities in behalf of the union?

A No.

Q Were any possible union activities on his part, any consideration in the selection of this man for discharge?

A No,sir.

MR. CURLEY: Those are all the questions I have.

CROSS-EXAMINATION

Q (By Mr. Leiner) Did you say that you-- did you testify that in the period January through June 1964, you were the supervisor of Gyrodyne's maintenance department?

A Yes, maintenance foreman.

MR. LEINER: No further questions.

MR. RUBENSTEIN: No questions.

TRIAL EXAMINER: Thank you. You are excused.

(Witness excused.)

MR.CURLEY: Mr. Trial Examiner, the respondent has another witness who is out of town and has been unable to come here togive testimony. However, it is my understanding that the General Counsel desires to present rebuttal at some date in August and we anticipate that the examination of this witness will be for a rather limited time, and we would like to forego the closing of the respondent's case until the production of this bit and until t-e time he has completed his testimony.

TRIAL EXAMINER: If I understand you correctly, you have just this one witness?

MR. CURLEY: Yes.

TRIAL EXAMINER: Can you have him here tomorrow morning?

MR.CURLEY: No, sir. He is unavailable. We have been in touch with him by phone but he cannot make it. He is out of town.

TRIAL EXAMINER: Otherwise, the respondent rests, is that correct?

MR. CURLEY: With the exception of the remarks I have made, which will be subject tothe production of this witness.

TRIAL EXAMINER: Are youprepared to go ahead this

That seems to me to be the sensible solution and I hope counsel will agree.

MR. LYONS: I have one question at this stage of the proceeding;when we finish with our last witness ,will the Trial Examiner accept motions or will the Trial Examiner prefer that the motions be reserved until the rebuttal is in?

TRIAL EXAMINER: I should think, Mr. Lyons, without telling you what to do at all, that it would be better to reserve motions until the end of the complete case of each party.

MR. LYONS: Thank you. I will be guided by that.

TRIAL EXAMINER: That's my suggestion. If you feel it ismore advantageous to you to present it before, it is perfectly all right with me,but I believe in order for me to have a fuller grasp of the whole situation, I can deal better with it on the complete case.

MR. LYONS: I want to be careful I do not waive any right if I do not make my motions at the completion of the respondent's case.

TRIAL EXAMINER: No, you have my assurance on that point.

Further, if it develops that the respondent, who has not as of now rested its case, has anywitness other than the one, then I think any other or more witnesses

TRIAL EXAMINER: Yes. If you will tell me where you can be found, I will be glad to do it.

MR. GOLDBERG: I will be in touch with my office at 30 East 42nd Street, Murray Hill 7-0311, that's area code 212. I will be in touch with the office during the course of the day. I might not reach there today.

TRIAL EXAMINER: Very well.

MR. GOLDBERG: Thank you, sir.

MR. LYONS: First witness will be Mr. Dicks.

ALBERT G. DICKS

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Lyons) What is your name?

A Albert George Dicks.

Q Where do you live?

A 114 Montrose Drive,Port Jefferson Station, Long Island.'

Q You work for Gyrodyne?

A THat's right.

Q And where doyou work for Gyrodyne?

A Right now I am in Patuxent River, Maryland.

Q How long have you been there?

A Since last February.

Q Where did you work in April and May of 1964?

A I was in California, San Diego.

Q When did you get back from San Diego to the plant at Smithtown?

A February, I guess, of '64.

Q Don't be nervous. Just sit back there.

A I have been trying to remember the dates. It has been a long time.

Q When you came back in February of '64 from San Diego, what was your job?

A I was -- I went back to my old job of inspector.

Q What kind of inspector?

A In the blade shop.

Q Would that be a mechanical inspector?

A Yes.

Q Did you know a man named Carl Schmidt?

A Yes.

Q I am going to read you certain testimony of Mr. Schmidt which he gave concerning you and I will ask you questions about it.

Page 1294, line 7:

"Question (By Trial Examiner): Did there come a time when you engaged in any kind of a conversation with Mr. Dicks?

"The Witness: Yes."

Going to page 1296, after a lot of colloquy, I am

taking up the question as it was pursued.

Line 7 on page 1296:

"Question: When was the conversation with Dicks that you referred to and what was it about?

"Answer: It was about several days after the union meeting we are speaking about that Mr. Dicks knew I had gone to and he just asked me what I had against the company. Why I was getting peeved at them.

"Question: Did you say anything?

"Answer: I said the way things were going there, I would have to take care of myself or get somebody who would."

Now, Mr. Dicks, did you ever have any conversation with Mr. Schmidt concerning his attendance at any union meeting?

A I don't -- I can't recall one, no.

Q Did you ever know whether Mr. Dicks attended a union meeting?

A Mr. Schmidt you mean.

Q Mr. Schmidt.

A Schmidt, no. I don't know whether he did or not.

Q Did anyone in the Gyrodyne Company ever ask you to find out whether anyone attended a union meeting?

A No.

Q Do you recall any conversations at all with Mr.Schmidt

concerning his feelings about unions or your feelings about them?

A I don't recall anything specific. There was talk in the shop of this union and guys giving out the pamphlets, but I don't recall getting involved with them in any way or having any discussions.

CROSS-EXAMINATION

Q (By Mr. Leiner) Mr. Dicks, you testified, I believe, that you returned to the company in -- Gyrodyne Company in February, 1964?

A Yes.

Q And you returned to your old job as a blade shop inspector?

A Well, mechanical inspector.

Q In the blade department?

A It covers the phse of mechanical inspection.

Q You worked in the blade department?

A Yes.

Q And did you remain in the St. James facility of the company between February of 1964 and June of 1964?

A Yes.

Q During that time you knew, of course, that the charging party in this case, the United Automobile Workers, were attempting to organize the employees of the company?

A Yes.

beginning and later the Board's discretion and higher authority to say whether or not I am wrong if, as, and when I get around to deciding questions of credibility.

MR. LEINER: I just wanted to put Mr. Tortorelli before you to impeach credibility.

TRIAL EXAMINER: That's my ruling.

MR. LEINER: I abide by your ruling.

I withdraw the last part where I said he would testify as to Mr. Papadakos testifying that leadmen were part of management. I would only have Mr. Tortorelli testify as - so as to impeach the credibility of Mr. Hoffman with regard to material points about their conversations about the union and Mr. HOffman's animus.

TRIAL EXAMINER: You are too late. It is in the case. It is all there.

Do you have another witness?

MR. LEINER: Yes, sir.

JOHN B. STRICKLE

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner[Would you state your name, and spell it for the record, Mr. Strickle?

A Yes. John B. Strickle. S-t-r-i-c-k-l-e.

Q Where do you reside, Mr. Strickle?

A My home address is at 5207 Columbia Road, Springfield, Virginia.

Q By whom are you now employed?

A I am employed by United States Government, Bureau of Naval Weapons.

Q And how long have you been so employed?

A I have been employed by the Bureau of Naval Weapons as a civilian for approximately twenty years. I have been with the Assistant Chief of Production Quality Control for about four years in Washington.

Q Now, would you tell the Trial Examiner, Mr.Strickle, whether it is part of your job and your duties with the Bureau of Naval Weapons, you had occasion to come in contact with the Dash Weapon System in the Gyrodyne Company of America?

A Yes. I was assigned as the production manager under the assistant chief of production quality control, Aircraft Production Branch. I was assigned to the Dash program in June of 1962, and this continued until April, approximately April of 1964.

Q And in April of 1964, did you cease being associated with the Gyrodyne Company in terms of the Dash Weapons System?

A Yes, I did. I was transferred to the McDonald

Mr. Thompson testifying and questions to him about the cafeteria.

MR. LEINER: That was only a supervisor.

TRIAL EXAMINER: You don't have to call Mr. Strickle just for a straight denial of what Mr. Papadakos said or an explanation.

MR. LEINER: It is not only that. It is who is making the denial, a disinterested witness. You are the evaluator of credibility.

TRIAL EXAMINER: I will sustain the objection.

MR. LEINER: May I make an offer of proof?

TRIAL EXAMINER: Yes.

MR. LEINER: If calledto testify, Mr.John B.Strickle would testify that in or about February or March of 1963, Mr. Papadakos and Mr. Knecht, or either of them in the other's presence, during negotiations in February or March of '63 with the Gyrodyne Company, that the aforementioned Mr. Papadakos or Mr. Knecht told him, by which I mean told Mr. Strickle, that the Gyrodyne Company was increasing its facilities, increasings its manpower,that they did not have a cafeteria, that it was a bone of contention among the employees and that the chances were that if the Navy did not support the company's request for tax amortization relief or similar aid, that if the company didn't get the cafeteria for the employees that a union

might get it for them instead.

TRIAL EXAMINER: Well, your offer is rejected. It is quite interesting in view of the testimony of Mr. Thompson. I take it you are not intending to attempt to impeach the testimony of Mr. Thompson who was a witness in that respect, are you?

MR. LEINER: I read the testimony of Mr.Thompson. I have it here. If you suggest to me in what way it impeaches --

TRIAL EXAMINER: I am not suggesting to you. I am simply asking the question.

MR. LEINER: I am only offering Mr. Strickle as a witness to impeach credibility.

TRIAL EXAMINER: I think it is untimely. I don't think it is proper rebuttal. Your offer is rejected and you have your exception.

MR. LEINER: Thank you, sir.

TRIAL EXAMINER: Mr. Thompson was previously sworn.

RICHARD S. THOMPSON

having previously been sworn, resumed his testimony as follows:

TRIAL EXAMINER: Please state your name.

THE WITNESS: Richard S. Thompson, Junior.

MR. LEINER: May it please the Examiner, I would like to ask a few preliminary questions.

DIRECT EXAMINATION

Q (By Mr. Leiner) Mr. Thompson, you previously testified in this proceeding, is that so?

A Yes.

Q You were a witness called by the General Counsel, is that true?

A True.

Q Did you testify at that time that in or about the end of '62, the beginning of '63, you notified the Gyrodyne Company in substance that the Gyrodyne Company had too many mechanical inspectors?

MR. LYONS: I object to this rebuttal on the ground it is improper. These questions were asked on page 950, and the Trial Examiner had commented at that time.

May I show the Trial Examiner that? And also at the same time, I would like to sya that no proper foundation has been laid showing the type of contract of 1962-63, no proper proof concerning the amount of tooling up done in the inspection department between '62 and '64,and the learning curve and the sapres performance characteristics between 1962 and 1964, that this is utterly improper rebuttal.

MR. LEINER: As you pointed out, this is a matter for argument. We are rebutting the defense.

TRIAL EXAMINER: I don't know whether you are or

MR. LEINER: Right, December of '62 and going into '63, he told the company they had too many mechanical inspectors. In the summer of '63, they executed a reduction in the contract amount that the Navy would pay for because of this surplusage of mechanical inspectors, and that the amount of that was in or about $300,000 that the Navy lopped off, and that after that the company never terminated any mechanical inspectors, and in fact, increased the size of its inspection department.

We think this is perfectly good rebuttal to their defense.

TRIAL EXAMINER: I disagree. I couldn't disagree more thoroughly. You have the contracts in evidence and identified. You have all of the testimony of Thompson, Scheperle and Papadakos with regard to everything that went out with regard to the production of the inspectors.

All you can do with Mr. Thompson is go into further explanation of his story which I will not take as rebuttal.

MR. LEINER: I hope the Trial Examiner will accept my previous statement before as an offer of proof as to what Mr. Thompson would testify to and I, of course, will abide by your ruling.

TRIAL EXAMINER: You have your exception.

MR. LEINER: Mr. Examiner, it now being 11 o'clock,

I would like to be sure that there are no equities violated before this case is closed.

Three o'clock, Mr. Reporter.

MR. LYONS: Respectfully except, sir.

TRIAL EXAMINER:. Yes.

(Recess.)

TRIAL EXAMINER: Mr. Repoerter, the witness Peter Roman has previously been sworn.

PETER ROMAN

resumed the stand and testified further as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Mr. Roman, Mr. Alfieri testified in this proceeding at page 2847, lines 18 and following, that he offered you a job monitoring calls and making entries in different books, - that's 2847 and 2848 -- and that you refused to take the job.

MR. LYONS: I object to this, your Honor, a collateral attack on Mr. Alfieri's testimony. This is improper rebuttal.

MR. LEINER: It was only raised on the direct examination of --

TRIAL EXAMINER: Let me have the next question.

Q I asked the witness a question. Did he ever offer you any such job?

TRIAL EXAMINER_ Y'u are objecting?

MR. LYONS: Yes. I object to it.

MR. LEINER: Would you care to see the testimony, sir?

TRIAL EXAMINER: Yes, please.

I'll hear your objection.

MR.LYONS: I say this is a collateral attack on the testimony of Mr. Alfieri. We had the testimony of Mr. Jansky, who spoke about the conversations allegedly with Mr. Roman. Idon't know what other bases they are going into, but then I will be forced to bring back other witnesses.

I say this collateral attack is improper rebuttal.

TRIAL EXAMINER: I will sustain the objection, Mr. Leiner, and take your offer of proof.

MR. LEINER: Very well.

May it please the Examiner, if the witness were permitted to testify, he would deny that Mr. Alfieri ever offered him a job, monitoring calls, or making entries in any books whatever, and that the testimony of Mr. Alfieri with regard to such job offer is totally false and untrue.

TRIAL EXAMINER: Yes.

Your offer is refused. The objection is sustained. Mr. Roman is excused.

(Witness excused.)

MR. LEINER: At this time, may it please the

Arthur Nierenberg.

ARTHUR NIERENBERG

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Leiner) Would you state your name?

A Arthur Nierenberg, N-i-e-r-e-n-b-e-r-g.

Q Where do you reside?

A 36 Waterview Avenue, Massapequa.

Q That is in Long Island?

A Long Island, New York.

Q Are you presently employed by the Abilities, Inc.?

A Yes.

MR. GOLDBERG: Excuse me. At this time, I would like to request a ruling from the Examiner as to the authority and right for the subpoena to have been issued to Mr. Nierenberg, as well as the subpoena duces tecum to Abilities, Inc.

I would like to state that it is our desire and intention to cooperate in all ways and regards. However, there is confusion in my mind as to whether or not, under those few facts known to myself as relate to this matter, the items sought to be produced under the subpoena duces tecum, as well as the testimony of Mr. Nierenberg are

MR. GOLDBERG: Thank you, sir.

MR. LYONS: I object to any testimony of Mr. Nierenberg on the ground there has been no showing anywhere, nor is there any claim in the complaint in this action or any of the amendments thereto referring to a supplier to the Gyrodyne Company, and any testimony would be in the broad sense immaterial, irrelevant and incompetent.

TRIAL EXAMINER: Well, I would disagree with you at this point, Mr. Lyons, simply because there is a great deal of testimony in the record with regard to the necessity or the propriety, however you want to put it, for the lay off of certain employees from work, which later, as I understand it, was performed by employees of Abilities, Inc.

So I think I will take thefirst question and see where we go from there.

MR. LYONS: Before the first question is asked, since the witness had given his name and address, may I ask one question under voir dire?

TRIAL EXAMINER: You may,yes, sir.

MR. LYONS: Because I intend to point up another objection after I ask a question.

VOIR DIRE EXAMINATION

Q (By Mr. Lyons) When was it, Mr. Nierenberg, when

regard to your employment, Mr. Nierenberg; are you presently an employee of Abilities, Inc.?

A Yes.

Q And your title?

A Vice-President and General Manager.

Q And for how long have you been Vice-President and General Manager?

A About four years.

Q Now, would you tell the Trial Examiner when it was that Abilities, Inc., to your knowlege, solicited Gyrodyne Company of America to do their packaging for them?

MR.LYONS: I object tothe question.

TRIAL EXAMINER: Sustained.

Q Did you visit the Gyrodyne Company in the company of other Abilities,Inc. --

MR. LYONS: I object.

TRIAL EXAMINER: Let him finish.

Q -- officials in or about February 2h, 1962, to solicit the packaging?

MR. LYONS: I object to the question.

TRIAL EXAMINER: What has this to do with the respondent's testimony?

MR. LEINER: Well, the respondent, it seems to.me, Mr. Examiner, interposed the defense into the case-in-chief in which it alleged that certain packaging employees,

TRIAL EXAMINER: Don't talk to me like that.

MR. LEINER: I apologize for that.

MR. RUBENSTEIN: May I be heard on your ruling?

TRIAL EXAMINER: Yes. I haven't ruled yet. I indicated how I would rule but I would be glad to hear you.

MR. RUBENSTEIN: Before you rule, I think in view of your ruling or statement now before the General Counsel made his reply, and in view of your ruling yesterday, I move that the hearings be reopened for the purpose of giving General Counsel an opportunity to introduce whatever is necessary, and I would like to substantiate my motion or say a few words in support of it.

And that is that even though our rules of evidence are patterned after the rules of evidence of the courts, this is a public hearing--

TRIAL EXAMINER: Mr. Rubenstein, you know and I know that I am bound by the rules in effect in the United States District Court, the Civil Rules.

MR. RUBENSTEIN: Not strictly. I disagree with you on that.

TRIAL EXAMINER: I follow them.

MR. RUBENSTEIN: I think you have a right, and I think it is a duty, in order to perform a public duty in administering the Act, when necessary, even if a

mistake was made, in order to avail yourself of all the facts involved, and give the Board an opportunity to have all the facts, to reopen the case, if necessary, to admit additional.evidence. And on this basis, I make my motion.

TRIAL EXAMINER: Well, your motion within the motion, Mr. Rubenstein, is denied.

MR. LEINER: May I make an offer of proof, Mr. Examiner?

TRIAL EXAMINER: You may.

MR. LEINER: If this witness were permitted to testify, Mr. Examiner, he would testify that prior to and on or about February 20, 1962, he visited the Gyrodyne Corporation of America and, on behalf of Abilities,Inc., and then and there, and thereafter, continuously discussed with the Gyrodyne Company the advisability of permitting Abilities, Inc. to perform the packaging function, and also to discuss the advantages in terms of labor cost with regard to the benefits of labor, cheaper labor at Abilities than at Gyrodyne, and that Gyrodyne was not intrested at that time.

TRIAL EXAMINER: Don't get into a matter of argument. Confine yourself to your offer of proof.

MR. LEINER: And that Gyrodyne, in or about December, 1962, and thereafter, did not desire any action by

you for it.

Without regard to the comment of counsel for Abilities, Inc., your offer of proof is rejected, Mr. Leiner.

Your motion in that respect is sustained, Mr.Lyons.

MR.LEINER: Mr. Examiner, may I renew my motion that Mr. Goldberg's statement be stricken from the record?

TRIAL EXAMINER: I thought I made it clear I was making myruling without regard to it.

MR. LYONS: I don't think it should be stricken.

TRIAL EXAMINER: It won't be stricken. But I want to make it clear I would have ruled the same without the comment having been made.

You can except to that statement.

Is there anything else, gentlemen? It is 10:30. We said yesterday we would take testimony here, and then reconvene at the usual hearing room for the purpose of my hearing oral argument.

MR. LEINER: I thought motions first.

TRIAL EXAMINER: Motions and oral argument.

MR. GOLDBERG: Off the record?

TRIAL EXAMINER: Off the record.

(Discussion off the record.)

TRIAL EXAMINER: On the record.

You are excused, Mr. Nierenberg.

(Witness excused.)

about. One of them must made a mistake when he said he did or did not come to the other to seek out advice on Waltz.

And so we ask Mr. Caliendo, who is superior to both of them, and I said to him, I want to make sure, Mr. Caliendo, I want to make absolutely sure that -- Caliendo is one of the top three in production, according to Mr. Papadakos. It is Caliendo who is in charge of production planning; Hollwedel incharge of quality control and Ackles in charge of all production, such as the machine shop, blade shop and assembly.

So the General Counsel asked Mr. Caliendo and he put his cards right on the table in cross-examination - was Mr. Waltz discharged for profanity? TDat is on page 2277. That's a simple question.

And Mr. Caliendo answered no, he was not discharged for profanity.

And I said, are you sure, and he said absolutely not for profanity.

Now, with that in mind, Mr.Lyons asked Mr. Waltz a question, not only a question but the first question on cross-examination. Now,Mr.Caliendo made it clear it was not profanity, it was insubordination, was the reason for the discharge. By so doing, he contradicts Alfieri, who in turn, contradicts Aversano on many grounds, such